

## ADDENDUM

MARTINSVILLE CIRCUIT  
Commonwealth of VA

vs.

Case No.:CR19000009-00  
HILL, BRIAN DAVID

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I, Jean P. Nunn, Clerk of the Martinsville Circuit, certify that the contents of the record listed in the table of contents constitute the true and complete record, except for exhibits whose omission are noted in the table of contents, and are hereby transmitted to the Court of Appeals on February 14, 2023.

# WARRANT OF ARREST—MISDEMEANOR (LOCAL)

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72

Martinsville

CITY OR COUNTY

☒ General District Court ☒ Criminal ☐ Traffic  
☐ Juvenile and Domestic Relations District Court

Martinsville

☒ City ☐ County ☐ Town

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about **09/21/2018** did unlawfully in violation of Section

DATE

**13-17/18.2-387**

Code or Ordinances of this city, county or town: intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

**SGT. R.D. JONES MPD**

Complainant.

Execution by summons ☐ permitted at officer's discretion. ☒ not permitted.

**09/21/2018 05:35 AM**

DATE AND TIME ISSUED

*Courtney D. Reid*

☐ CLERK ☒ MAGISTRATE ☐ JUDGE  
Courtney D. Reid

VIRGINIA  
of Martinsville Circuit Court  
Clerk's Office.

Received and Filed this the

**9th** Day of **January** **2019**  
**12:21 P.M.**

Teste: *[Signature]*

**DNA SAMPLE (on file)**

None may be required

CASE NO. **C18-3138**

ACCUSED:

Hill, Brian David

LAST NAME, FIRST NAME, MIDDLE NAME

310 Forest St Apt 2

ADDRESS/LOCATION

Martinsville, VA 24112

To be completed upon service as Summons

Mailing address ☐ Same as above

RACE	SEX	BORN	HT.	WGT.	EYES	HAIR
W	M	MO. DAY YR. 05/26/1990	FT. IN. 6' 00"	150	BLU	BRO

SSN

0319

DL#

STATE

☐ Commercial Driver's License

**CLASS 1 MISDEMEANOR**

- ☒ EXECUTED by arresting the Accused named above on this day:  
☐ EXECUTED by summoning the Accused named above on this day:  
☐ For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

**9/21/18**

**0538**

DATE AND TIME OF SERVICE

**R Jones**

ARRESTING OFFICER

**22 MPD 113**

BADGE NO., AGENCY AND JURISDICTION

for

SHERIFF

Attorney for the Accused:

*Pub. Def.*

Short Offense Description (not a legal definition):  
**INDECENT EXPOSURE**

Offense Tracking Number:

**690GM1800003560**

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code:

**OBS-3713-01**

Hearing Date/Time

**10-05-18**

**3:00 PM**

**12-21-18**

**10:45 AM**

**LOCAL**

The Accused was this day:

☐ tried in absence ☒ present

☒ PROSECUTING ATTORNEY PRESENT (NAME)

☒ DEFENDANT'S ATTORNEY PRESENT (NAME)

☐ NO ATTORNEY ☐ ATTORNEY WAIVED

☐ If convicted, no jail sentence will be imposed

☐ INTERPRETER PRESENT

☐ Certified pursuant to § 19.2-190.1.

Plea of Accused:

☒ not guilty ☐ Witnesses sworn

☐ nolo contendere

☒ guilty ☐ Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

☐ Plea and Recommendation

And was TRIED and FOUND by me:

☐ not guilty ☒ guilty as charged

☐ guilty of .....  
VCC .....

☐ facts sufficient to find guilt but defer  
adjudication/disposition to .....

DATE AND TIME  
and place accused on probation, §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

☐ A separate order for First Offender is attached and incorporated in this order.

☐ Costs imposed upon defendant.

DATE

JUDGE

And was FOUND by me to be:

☐ driving a commercial motor vehicle

☐ carrying hazardous materials

☐ I ORDER a nolle prosequi on prosecution's motion

☐ I ORDER the charge dismissed ☐ with prejudice

☐ conditioned upon payment of costs and

☐ successful completion of

☐ traffic school

☐ mature driver school, § 16.1-69.48:1.

☐ accord and satisfaction, § 19.2-151.

☐ under §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

☐ Guilty – upon a violation of a term or condition of a deferred adjudication/disposition.

I impose the following Disposition:

☐ FINE ☐ CIVIL PENALTY of \$ .....

with \$ ..... suspended

☒ JAIL SENTENCE of 30 days

imposed, ☐ of which ..... days

mandatory minimum, with ..... suspended

for a period of ....., conditioned upon being of good behavior, keeping the peace, obeying this order and paying fines and costs. Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

☐ Serve jail sentence beginning .....

☐ on weekends only

☐ Work release ☐ authorized if eligible ☐ required

☐ not authorized

☐ Public work force ☐ authorized ☐ not authorized

☐ on PROBATION for .....

☐ VASAP ☐ local community-based probation agency

☐ Monitoring by GPS/other tracking device

☐ DRIVER'S LICENSE suspended for .....

☐ Restricted Driver's License per attached order

☐ Ignition Interlock for .....

☐ RESTITUTION order incorporated

☐ Restitution payment is a condition of suspended sentence

☐ COMMUNITY SERVICE ..... hours to be

completed by .....

and supervised by .....

☐ to be credited against fines and costs

☐ Contact prohibited between defendant and victim/ victim's family or household members

☐ Other: .....

☐ Reimburse Commonwealth for investigatory medical fees

☐ Pay \$50 to the Court for Trauma Center Fund

☐ Bail on Appeal \$ .....

☐ Remanded for ☐ CCRE Report ☐ .....

DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA

SUSPENDED EFFECTIVE IN 30 DAYS IF FINES, COSTS,

FORFEITURES, PENALTIES OR RESTITUTION ARE NOT

PAID. Va. Code § 46.2-395.

DATE

JUDGE

Offense Tracking Number: 690GM1800003560

FINE

LOCALITY

COSTS

223 LIQUIDATED DAMAGES

461 FIXED MISD FEE

462 FIXED DRUG MISD FEE

001 INT CRIM CHILD FEE

113 WITNESS FEE

113 IGNITION INTERLOCK

113 DUI FEE

113 DNR

121 TRIAL IN ABSENCE FEE

133 BLOOD TEST FEE

137 TIME TO PAY

192 TRAUMA CENTER FEE

202 WITNESS FEE

217 CT. APPT. ATTY

228 COURTHOUSE  
CONSTRUCTION FEE

234 JAIL ADMISSION FEE

243 LOCAL TRAINING  
ACADEMY FEE

244 COURTHOUSE  
SECURITY FEE

OTHER (SPECIFY):

TOTAL

☐ Stay of the proceedings pursuant to § 16.1-131.1

DATE

JUDGE

# CRIMINAL COMPLAINT

Commonwealth of Virginia

RULES 3A:3 AND 7C:3

Martinsville

CITY OR COUNTY

☒ General District Court

☐ Juvenile and Domestic Relations District Court

Under penalty of perjury, I, the undersigned Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about

09/21/2018

in the ☒ City ☐ County ☐ Town

DATE OFFENSE OCCURRED

of Martinsville

I base my belief on the following facts: (Print ALL information clearly.)

On the above date I responded to the area of Pine St. at the steps for the Dick and Willie Trail due to a naked white male that had been seen running on Hooker St from Church St. Officers were in the area of Hooker St and had not located the male. I walked down the steps to the trail where i herd foot steps coming towards me. I could see a person walking on the trail and they stopped. I signed my light on the male and he turned and ran. He was naked except for his shoes and socks. The male had items in his hand when he ran. I chased the suspect off the left side of the trail down a bank and into the creek. I was yelling stop and show me your hands during the chase. When the male was detained he was read Miranda and started talking about a black male in a hoodie made him get naked and take pictures of himself. He was transported to the hospital due to knee pain. While at the Hospital he stated that he was alone when he took the photos of himself and he gave Ofc. Warnick promising to view his camera. On the Camera was several photo of himself naked around the city. He was medically and psychologically cleared. He was arrested for indecent Exposure. Mr. Hill's clothing was located in his bag. All took place in the city.

The statements above are true and accurate to the best of my knowledge and belief.

In making this complaint, I have read and fully understand the following:

By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued.

The charge in this warrant cannot be dismissed except by the court, even at my request.

Sgt. R. Jones #220

NAME OF COMPLAINANT (LAST, FIRST, MIDDLE)  
(PRINT CLEARLY)

SIGNATURE OF COMPLAINANT

Subscribed and sworn to before me this day.

09/21/2018 05:35 AM

DATE AND TIME

☐ CLERK ☐ MAGISTRATE ☐ JUDGE

x

Courtney D. Reid

## CRIMINAL COMPLAINT

ACCUSED: Name, Description, Address/Location

Hill, Brian David

LAST NAME, FIRST NAME, MIDDLE NAME

310 Forest St Apt 2

Martinsville, VA 24112

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
W	M	Mo.	DAY	YR.	FT.	IN.			
		05	26	90	6	0	150	BLU	BRN

SSN

-0319

☐ Complainant is not a law-enforcement officer or animal control officer. Authorization prior to issuance of felony arrest warrant given by  
☐ Commonwealth's attorney  
☐ Law-enforcement agency having jurisdiction over alleged offense

NAME OF PERSON AUTHORIZING ISSUANCE OF WARRANT

DATE AND TIME AUTHORIZATION GIVEN

13-17 Indecent Exposure

**COMMITMENT ORDER**

Commonwealth of Virginia

ACCUSED: Hill, Brian David  
NAME (LAST, FIRST, MIDDLE)Jurisdiction: MartinsvilleADDRESS: 310 Forest St Apt 2  
Martinsville, VA 24112

- ☐ General District Court (Traffic)  
☒ General District Court (Criminal)  
☐ General District Court (Civil)  
☐ Juvenile & Domestic Relations District Court  
☐ Circuit Court

SSN: 0319 DOB: 05/26/1990

SEX: STATUS: CHARGED UNDER:  
☒ Male ☐ Female ☒ Adult ☐ Juvenile ☐ State ☒ Local Ordinance

**CHARGE(S):**

Offense Tracking Number	Offense Date	Virginia Crime Code (For Administrative Use Only)	Code Section	Case Number
690GM1800003560	09-21-18	OBS-3713-O1 (L) INDECENT EXPOSURE	13-17/18.2-387	

☐ Addendum listing additional charges is attached and incorporated.

BAIL: \$ ☐ Secured ☐ Unsecured ☐ Recognizance  
☒ Held without bail ☐ No additional bail required  
☐ Release by Judicial Officer to custody of responsible person or when accused is no longer intoxicated

Accused ☐ may ☒ may not depart the Commonwealth of Virginia. ☐ Other conditions of bail on page two.

If **NOT released** on bail,  
Court appearance location, date and time:  
☒ GENERAL DISTRICT ☐ J&DR ☐ CIRCUIT  
Martinsville  
Sep 21, 2018 08:15 AM


If **released** on bail,  
Hearing date and time:  
Sep 21, 2018 08:15 AM

☐ Since accused is unable or unwilling to participate in a bail hearing, I order accused to be returned to Judicial Officer for bail determination.☐ Currently serving sentence☐ Charges pending in \_\_\_\_\_ CourtPlace held in custody (if other than facility serving this jurisdiction): \_\_\_\_\_  
NAME OF FACILITYTO THE SHERIFF, JAIL OFFICER OR CORRECTI  
the Court, unless otherwise released.09/21/2018 05:52 AM

DATE AND TIME



to take custody of and convey the accused to

☒ MAGISTRATE ☐ CLERK ☐ JUDGE Courtney D. ReidReceived: 9-21-18 0605  
DATE AND TIMEBy: 

Case No(s). .....

Offense Tracking Number(s): 690GM1800003560.....

Additional Conditions of Bail:

The Accused must

- ☐ Submit to Drug/Alcohol Screening
- ☐ Submit to Drug/Alcohol Testing
- ☐ Comply with a Curfew of .....
- ☐ Avoid All Contact with.....
- ☐ Refrain from Possessing Firearm, Destructive Device, Dangerous Weapon
- ☐ Refrain from Excessive Use of Alcohol
- ☐ Refrain from Use of Illegal Drugs/Controlled Substances not Prescribed by a Health Care Provider
- ☐ Maintain or Seek Employment
- ☐ Maintain or Commence Education
- ☐ The Accused is assigned to home-electronic incarceration
- ☐ The Accused is to be monitored by a GPS/other tracking device
- ☐ The Accused is to accompany the arresting officer to the jurisdiction's fingerprinting facility and submit to having his photograph and fingerprints taken prior to release.
- ☐ Other:

CBR 690GM1800003561



# FINANCIAL STATEMENT – ELIGIBILITY DETERMINATION

Case No. ....

## FOR INDIGENT DEFENSE SERVICES

Commonwealth of Virginia

VA. CODE § 19.2-159

### PRESUMPTIVE ELIGIBILITY

☒ I currently receive the following type(s) of public assistance in .....

CITY/COUNTY

☐ TANF \$ ..... ☐ Medicaid ☒ Supplemental Security Income \$ 750.00

☒ SNAP (food stamps) \$ ..... ☐ Other (specify type and amount) .....

☐ I currently do not receive public assistance.

Names and address of employer(s) for defendant and spouse:

Self unemployed

Spouse (not applicable if alleged victim) .....

#### NET INCOME:

Pay period (weekly, every second week, twice monthly, monthly) ..... Self Spouse

Net take home pay (salary/wages, minus deductions required by law) ..... \$ .....

Other income sources (please specify) ..... \$ .....

#### EMPLOYMENT HISTORY:

Were you employed at the time of your arrest? ☐ yes ☐ no

If yes, my net take home pay was ☐ per week ☐ month \$ .....

If no, length of time since last employed? .....

Total wages earned last calendar year? \$ .....

COURT USE ONLY

TOTAL INCOME \$ 0 + = A

#### ASSETS:

Cash on hand ..... \$ .....

Bank Accounts at: ..... \$ .....

Any other assets: (please specify) .....

Real estate - \$ ..... with a value of ..... \$ .....

NET VALUE

Motor Vehicles { YEAR AND MAKE ..... with net value of ..... \$ .....

YEAR AND MAKE ..... with net value of ..... \$ .....

Other Personal Property: (describe) ..... \$ .....

TOTAL ASSETS \$ 0 + = B

COURT USE ONLY

..... Number in household defendant has financial responsibility for, including defendant.

#### EXCEPTIONAL EXPENSES (Total Exceptional Expenses of Family)

Medical Expenses (list only unusual and continuing expenses) ..... \$ .....

Court-ordered support payments/alimony ..... \$ .....

☐ deducted from paycheck ☐ not deducted from paycheck

Child-care payments (e.g. day care) ..... \$ .....

Other (describe): ..... } \$ .....

..... } \$ .....

This statement is made under oath. Any false statement may constitute a violation of law under Virginia Code § 19.2-161 and be subject to criminal penalty, including incarceration.

TOTAL EXPENSES \$ 0 = C

COLUMN "A" plus COLUMN "B" minus COLUMN "C" equals available funds =

I hereby state that the above information is correct to the best of my knowledge.

Name of defendant (type or print) Brian David Hill

9/24/18 DATE x Brian D. Hill SIGNATURE

Sworn/affirmed and signed before me this day.

9-2-2018 DATE SIGNATURE

TITLE

# REQUEST FOR APPOINTMENT OF A LAWYER

Commonwealth of Virginia

VA. CODE ANN. §§ 16.1-266, 267 §§ 19.2-159, 160, 163

Case No. ....

C18-2138

☐ Circuit Court

☒ General District Court

☐ Juvenile and Domestic Relations District Court

MARTINSVILLE GENERAL DISTRICT COURT

CITY OR COUNTY

Brian David Hill

Adult

ADDRESS

TELEPHONE NUMBER

TO THE ADULT: You have been charged with an offense punishable by death or confinement in a state correctional facility or in jail, including charges for revocation of suspension of imposition or execution of sentence or probation; or you are a party in a case involving allegations of abuse and/or neglect or a case in which you may be subjected to termination of your residual parental rights and responsibilities. You have the right to be represented by a lawyer with respect to this matter. In addition, the court shall consider appointing counsel to represent the parent or guardian of a child who is the subject of a foster care plan, foster care review or permanency planning hearing. You may retain a lawyer at your own expense or, if it is determined by the court that you are unable to afford a lawyer, this court will appoint a lawyer to represent you. If the judge appoints a lawyer to represent you, the lawyer will be paid with public funds whether or not you are convicted. However, if you are convicted, you shall pay the amount of the court-appointed lawyer's fee as part of the costs of prosecution. You may also waive your right to a lawyer.

## REQUEST FOR APPOINTMENT OF A LAWYER—STATEMENT OF INDIGENCY

I, the undersigned, have been advised this day by this Court of my right to be represented by a lawyer in the case involving me; I certify that I am without means to employ a lawyer and I hereby request the Court to appoint a lawyer for me. My financial statement accompanies this request.

I have been informed that the lawyer appointed for me will be paid with public funds, but if I am convicted of a criminal offense, I shall have to pay the amount of the court-appointed lawyer's fee as part of the costs of prosecution. This lawyer will represent me in this case in all state courts until relieved or replaced by another lawyer.

If the court finds me to be not indigent, and if the court then declines to appoint a lawyer to represent me, I understand that I may employ my own lawyer. But, if I appear without counsel on the trial date, I may be deemed to have waived my right to counsel.

9/21/18  
DATE

Brian D. Hill  
ADULT

The Court was advised that ....., a lawyer, has been retained to represent the accused in this Court.  
This information was provided by:

☐ the above-named person

☐ the lawyer

☐ .....

DATE

☐ JUDGE

☐ CLERK

## ORDER OF APPOINTMENT OF COUNSEL

THE REQUEST FOR APPOINTMENT OF A LAWYER WAS EXECUTED UNDER OATH.  
HAVING EXAMINED THE ADULT AND CONSIDERED OTHER COMPETENT EVIDENCE, I FIND THAT

☐ the Adult is not indigent and not entitled to representation by a court-appointed attorney.

☒ the Adult is indigent within the guideline set forth in the law and is entitled to representation by court-appointed counsel;

☐ the Adult is not indigent and the Adult refuses to either employ counsel or waive his right to representation by a lawyer, but that the following circumstances and the ends of justice require the appointment of counsel:

Therefore I appoint the lawyer indicated below to represent the adult at such hearings and all other stages of the proceeding in this court and in any other court to which this case may be appealed or certified until relieved or replaced by another lawyer.

☐ The Clerk shall send a copy of this Order to the Indigent Defense Commission as notice that the lawyer indicated below is not on the list maintained by the Commission, but has otherwise demonstrated to the Court an appropriate level of training and experience.

NAME, ADDRESS  
OF COURT  
APPOINTED  
LAWYER

PUBLIC DEFENDER

10 E. Main Street

Martinsville, Va. 24112

Telephone: 276-666-2206

NEXT HEARING DATE AND TIME

12-21-18 10:45am

9-21-2018

DATE

JUDGE

7

NOTICE OF HEARING

VA. CODE §§ 16.1-252(a), 16.1-263,  
16.1-282, 16.1-283, 20-60.6

C18-3138

CASE NO.

MARTINSVILLE GENERAL DISTRICT COURT  
P.O. BOX 1402  
MUNICIPAL BUILDING - ROOM 100  
55 WEST CHURCH STREET  
MARTINSVILLE, VA 24112-1402

COMMONWEALTH OF VIRGINIA

NOTICE

TAKE NOTICE THAT A HEARING INVOLVING THIS CASE  
WILL BE HELD AT THE ADDRESS NOTED AT LEFT ON

12-21-18 AT 10:45 A.M.

FOR THE PURPOSE OF:

☐ ARRAIGNMENT

☒ TRIAL

☐ PRELIMINARY HEARING

☐ REVIEW

☐

In re/V.

Brian David Hill

I ACKNOWLEDGE RECEIPT OF THIS NOTICE.

x Brian D. Hill

9-21-

DATE

12-21

Anna Miller

CLERK ☒ DEPUTY CLERK

☐ Check

TO:

**WARNING TO ACCUSED:** You may be  
tried and convicted in your absence if  
you fail to appear in response to this  
NOTICE OF HEARING. Willful failure  
to appear is a separate criminal offense.

SERVICE OF PROCESS ON PERSON TO RECEIVE NOTICE

☐ PERSONAL SERVICE

☐ Being unable to make personal service, a copy was  
delivered in the following manner:

☐ Delivered to family member (not temporary sojourner or  
guest) age 16 or older at usual place of abode of party  
named above after giving information of its purport. List  
name, age of recipient, and relation of recipient to party  
named above.

☐ Posted on front door or such other door as appears to be  
the main entrance of usual place of abode, address listed  
above. (Other authorized recipient not found.)

☐ Not found

SERVING OFFICER

for

DATE

CASES TO ENFORCE CHILD SUPPORT ONLY:

☐ Delivered to ..... the

☐ residential ☐ business address of record.

**ORDER FOR CONTINUED CUSTODY**

Commonwealth of Virginia

Jurisdiction: MARTINSVILLE GEN DIST - CRIMINAL

☐ Juvenile & Domestic Relations District Court  
☒ General District Court  
☐ Circuit Court

ACCUSED: HILL, BRIAN DAVID  
NAME (LAST, FIRST, MIDDLE)  
310 FOREST ST APT 2  
MARTINSVILLE, VA 24112  
-0319  
SOCIAL SECURITY NUMBER

5/26/1990  
DATE OF BIRTH

Hearing Date and Time: 12-21-18 10:45 a

CHARGED UNDER:  
☐ State ☒ Local Ordinance

**CHARGE(S):**

Offense Tracking Number	Offense Date	Virginia Crime Code (For Administrative Use Only)	Code Section	Case Number
690GM1800003560	9/21/2018	OBS-3713-01	18.2-387	GC18003138-00
		Description:	INDECENT EXPOSURE	
		Description:		
		Description:		
		Description:		
		Description:		
		Description:		
		Description:		

☐ Addendum listing additional charges is attached and incorporated.Public Workforce ☐ Authorized ☐ Not Authorized

BAIL: \$ ☐ Secured Bond ☐ Unsecured Bond ☐ Recognizance  
☐ Custody and Supervision of Pretrial Services Agency  
☐ Third-Party Custody and Supervision  
☒ No Change in Existing Amount of Bond ☐ Amend Bond to \$  
☐ Held Without Bail ☒ No change in Existing Bail Conditions

Accused ☐ may ☐ may not leave the Commonwealth of Virginia ☐ may ☐ may not leave  
CITY/COUNTY

**Additional Conditions of Bail:**

The Accused must

☐ Submit to Drug/Alcohol Screening ☐ Submit to Drug/Alcohol Testing ☐ Comply with a Curfew of  
☐ Avoid All Contact with  
☐ Refrain from Possessing Firearm, Destructive Device, Dangerous Weapon  
☐ Refrain from Excessive Use of Alcohol ☐ Refrain from Use of Illegal Drugs/Controlled Substances  
not Prescribed by a Health Care Provider  
☐ Maintain or Seek Employment ☐ Maintain or Commence Education  
☐ The Accused is assigned to home-electronic incarceration by Judge  
☐ The Accused is to be monitored by a GPS/other tracking device.

☐ Other:

TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER:

Hold the accused in custody pending the hearing date and convey the accused to the appropriate court so that the accused will be present in court at the hearing date and time, unless otherwise ordered by the appropriate judicial officer.

9/21/2018  
DATE

*Dennis Collins*  
CLERK [ ] JUDGE

9

Request for Bond Hearing

Defendant: Brion D. Hill

Date of Request: Oct 2, 2018

Requested By: Public Defender

Notified CWA: ✓ (Email Allepon Smith)  
10-02-18

Notified Bailiff: ✓

Notified/Continuance to Jail: ✓

Record on Scheduling Book: ✓

Date of Bond Hearing: 10-05-18 ~ 3:00pm

Clerk/Deputy Clerk: Stacie Pullen

**ORDER FOR CONTINUED CUSTODY**

Commonwealth of Virginia

Jurisdiction: ..... MARTINSVILLE GEN DIST - CRIMINAL .....

- ☐ Juvenile & Domestic Relations District Court  
☒ General District Court  
☐ Circuit Court

ACCUSED: ..... HILL, BRIAN DAVID .....  
NAME (LAST, FIRST, MIDDLE)  
310 FOREST ST APT 2  
MARTINSVILLE, VA 24112  
..... 0319 .....  
SOCIAL SECURITY NUMBER

5/26/1990  
DATE OF BIRTH

Hearing Date and Time: ..... 10/5/2018 ..... 3:00 pm

CHARGED UNDER:  
☐ State ☒ Local Ordinance

CHARGE(S): \* Bond Hearing \*

Offense Tracking Number	Offense Date	Virginia Crime Code (For Administrative Use Only)	Code Section	Case Number
690GM1800003560	9/21/2018	OBS-3713-01	18.2-387	GC18003138-00
		Description:	INDECENT EXPOSURE	
		Description:		
		Description:		
		Description:		
		Description:		
		Description:		
		Description:		

☐ Addendum listing additional charges is attached and incorporated.

Public Workforce ☐ Authorized ☐ Not Authorized

BAIL: \$ ..... ☐ Secured Bond ☐ Unsecured Bond ☐ Recognizance  
☐ Custody and Supervision of Pretrial Services Agency  
☐ Third-Party Custody and Supervision

☒ No Change in Existing Amount of Bond ☐ Amend Bond to \$ .....

☐ Held Without Bail ☐ No change in Existing Bail Conditions

Accused ☐ may ☐ may not leave the Commonwealth of Virginia ☐ may ☐ may not leave ..... CITY/COUNTY

**Additional Conditions of Bail:**

The Accused must

- ☐ Submit to Drug/Alcohol Screening ☐ Submit to Drug/Alcohol Testing ☐ Comply with a Curfew of .....  
☐ Avoid All Contact with .....  
☐ Refrain from Possessing Firearm, Destructive Device, Dangerous Weapon  
☐ Refrain from Excessive Use of Alcohol ☐ Refrain from Use of Illegal Drugs/Controlled Substances  
not Prescribed by a Health Care Provider  
☐ Maintain or Seek Employment ☐ Maintain or Commence Education  
☐ The Accused is assigned to home-electronic incarceration by Judge  
☐ The Accused is to be monitored by a GPS/other tracking device.  
☐ Other:



TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER:

Hold the accused in custody pending the hearing date and convey the accused to the appropriate court so that the accused will be present in court at the hearing date and time, unless otherwise ordered by the appropriate judicial officer.

10/2/2018

DATE

☒ CLERK

☐ JUDGE

11

## Bond Hearing

Stacie R Prillaman

Tue 10/2/2018 11:17 AM

To: Allyson Smith <asmith@ci.martinsville.va.us>;

Hi Allyson:

Notification of Bond Hearing:

October 5, 2018 @ 3:00pm  
Brian David Hill - Indecent Exposure

Attorney: Public Defender

Thank you,

Stacie R. Prillaman, Clerk  
Henry/Martinsville General District Courts  
3160 Kings Mountain Road, Suite A  
Martinsville, VA 24112  
(276)634-4820

Please note my new email address: srprillaman@vacourts.gov

**ORDER FOR CONTINUED CUSTODY**

Commonwealth of Virginia

Jurisdiction: ..... MARTINSVILLE GEN DIST - CRIMINAL .....

ACCUSED: ..... HILL, BRIAN DAVID .....  
NAME (LAST, FIRST, MIDDLE)  
310 FOREST ST APT 2  
.....  
MARTINSVILLE, VA 24112  
.....  
0319  
.....  
SOCIAL SECURITY NUMBER

☐ Juvenile & Domestic Relations District Court  
☒ General District Court  
☐ Circuit Court

\*bond hearing  
withdrawn

5/26/1990  
.....  
DATE OF BIRTH

Hearing Date and Time: ..... 12/21/2018 ..... 10:45 am .....

CHARGED UNDER:  
☐ State ☒ Local Ordinance

**CHARGE(S):**

Offense Tracking Number	Offense Date	Virginia Crime Code (For Administrative Use Only)	Code Section	Case Number
690GM1800003560	9/21/2018	OBS-3713-01	18.2-387	GC18003138-00
		Description:	INDECENT EXPOSURE	
		Description:		
		Description:		
		Description:		
		Description:		
		Description:		
		Description:		

☐ Addendum listing additional charges is attached and incorporated.

Public Workforce ☐ Authorized ☐ Not Authorized

BAIL: \$ ..... ☐ Secured Bond ☐ Unsecured Bond ☐ Recognizance  
☐ Custody and Supervision of Pretrial Services Agency  
☐ Third-Party Custody and Supervision  
☒ No Change in Existing Amount of Bond ☐ Amend Bond to \$ .....  
☐ Held Without Bail ☒ No change in Existing Bail Conditions

Accused ☐ may ☐ may not leave the Commonwealth of Virginia ☐ may ☐ may not leave .....  
CITY/COUNTY

**Additional Conditions of Bail:**

The Accused must

- ☐ Submit to Drug/Alcohol Screening ☐ Submit to Drug/Alcohol Testing ☐ Comply with a Curfew of .....  
☐ Avoid All Contact with .....  
☐ Refrain from Possessing Firearm, Destructive Device, Dangerous Weapon  
☐ Refrain from Excessive Use of Alcohol ☐ Refrain from Use of Illegal Drugs/Controlled Substances  
not Prescribed by a Health Care Provider  
☐ Maintain or Seek Employment ☐ Maintain or Commence Education  
☐ The Accused is assigned to home-electronic incarceration by Judge  
☐ The Accused is to be monitored by a GPS/other tracking device.  
☐ Other:



TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER:

Hold the accused in custody pending the hearing date and convey the accused to the appropriate court so that the accused will be present in court at the hearing date and time, unless otherwise ordered by the appropriate judicial officer.

10-5-18  
.....  
DATE

CLERK [ ] JUDGE

13

**ORDER FOR PSYCHOLOGICAL EVALUATION**Case No. GC18-3138

Commonwealth of Virginia Va. Code §§ 19.2-168, 19.2-168.1, 19.2-169.1, 19.2-169.5

Martinsville General District Court

COURT NAME AND ADDRESS

Commonwealth of Virginia v. Brian David Hill**TYPE OF EVALUATION AND REPORT**☒ **COMPETENCY EVALUATION:** It appearing to the Court, on motion of☐ Commonwealth's Attorney☒ defendant's attorney☐ the Court

and upon hearing evidence or representations of counsel, that there is probable cause to believe that the defendant lacks substantial capacity to understand the proceedings against him or to assist in his own defense, the Court therefore appoints the evaluator(s) listed below to evaluate the defendant and to submit a report, on or before the date shown below, to this Court, the Commonwealth's Attorney and the defendant's attorney, concerning: (1) the defendant's capacity to understand the proceedings against him; (2) his ability to assist his attorney; and (3) his need for treatment in the event that he is found to be incompetent but restorable, or incompetent for the foreseeable future. If a need for restoration treatment is identified in the event he is found incompetent but restorable, or incompetent for the foreseeable future, the report shall state whether inpatient or outpatient treatment is recommended. No statements of the defendant relating to the time period of the alleged offense shall be included in the report.

☒ **SANITY AT THE TIME OF THE OFFENSE:** It appearing to the Court, upon hearing evidence or representations of counsel for the defendant, that there is probable cause to believe that the defendant's sanity may be a significant factor in his defense and that the defendant is financially unable to pay for expert assistance, the Court therefore appoints the evaluator(s) listed below to evaluate the defendant's sanity at the time of the offense and, where appropriate, to assist in the development of an insanity defense. They shall prepare and submit a full report, on or before the date shown below, solely to the defendant's attorney, concerning the defendant's sanity at the time of the offense, including whether he may have had a significant mental disease or defect which rendered him insane at the time of the offense. If further evaluation on this issue is necessary, the evaluator(s) shall so state.

☐ The motion for the evaluation having been made by the Commonwealth after receiving notice pursuant to Virginia Code § 19.2-168, the Court also orders the defendant to submit to an evaluation and has advised the defendant that a refusal to cooperate with the Commonwealth's evaluator(s) could result in the exclusion of defendant's expert evidence. The Court further orders the evaluator(s) to submit to the attorneys for the Commonwealth and defendant copies of the report and the records obtained during the evaluation.

**DESIGNATION OF EVALUATOR(S)**

The Court finds and concludes that:

☒ the evaluation shall be performed on an outpatient basis at a mental health facility or in jail, as indicated below.☐ as outpatient services are unavailable, the evaluation of competency shall be performed on an inpatient basis, as indicated below.☐ the evaluation shall be conducted on an inpatient basis at a hospital designated by the Commissioner of the Department of Behavioral Health and Developmental Services because:☐ no outpatient services are available☐ the results of outpatient evaluation (copy attached) indicate that hospitalization for further evaluation is necessary☐ a court of competent jurisdiction has found, pursuant to Virginia Code §§ 19.2-169.6 or 37.2-814, that the defendant requires emergency treatment on an inpatient basis at this time.

The Court therefore appoints the following evaluator(s) to conduct the evaluation:

☒ Dr. Rebecca Loehrer

EVALUATOR(S): NAME(S) AND TITLE(S) OR NAME OF FACILITY

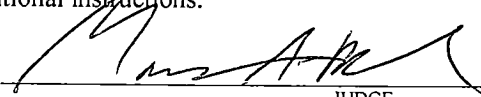
☐ qualified staff at a hospital to be designated by the Commissioner of the Department of Behavioral Health and Developmental Services or his designee. Hospitalization for evaluation shall not extend beyond 30 days from the date of admission.DUE DATE AND TIME: November 26, 2018 by 5:00pm

The Court further orders that the Commonwealth's Attorney and the defendant's attorney forward appropriate background information to the evaluator(s) as required by law.

TO EVALUATORS AND ATTORNEYS: See reverse for additional instructions.

10-17-2018

DATE



JUDGE

## **ADDITIONAL INSTRUCTIONS TO EVALUATOR(S) AND ATTORNEYS**

### **Providing Background Information**

1. Competency Evaluation: Prior to an evaluation of competency pursuant to Va. Code § 19.2-169.1, the Commonwealth's Attorney must forward to the evaluator(s) within 96 hours of the issuance of this order:
  - a. a copy of the warrant;
  - b. the names and addresses of the Commonwealth's Attorney, the defendant's attorney, and the judge ordering the evaluation;
  - c. information about the alleged crime; and
  - d. a summary of the reasons for the evaluation request.

The defendant's attorney must provide any available psychiatric records and other information that are deemed relevant within 96 hours of the issuance of this order. Va. Code § 19.2-169.1(C).

2. Sanity at the Time of the Offense: Prior to an evaluation of sanity at the time of the offense, the party making the motion for the evaluation must forward to the evaluator(s):
  - a. a copy of the warrant;
  - b. the names and addresses of the Commonwealth's Attorney, the defendant's attorney, and the judge ordering the evaluation;
  - c. information about the alleged crime, including statements by the defendant made to the police and transcripts of preliminary hearings, if any;
  - d. a summary of the reasons for the evaluation request;
  - e. any available psychiatric, psychological, medical or social records that are deemed relevant; and
  - f. a copy of defendant's criminal record, to the extent reasonably available.

Va. Code § 19.2-169.5(C).

### **Use of Information Obtained During Evaluation**

No statement of disclosure by the defendant concerning the alleged offense made during the evaluation may be used against the defendant at the trial as evidence, or as a basis for such evidence, except on the issue of his/her mental condition at the time of the offense after the defendant raises the issue pursuant to § 19.2-168 of the Code of Virginia. Va. Code § 19.2-169.7.

# SEARCH WARRANT

Commonwealth of Virginia

VA. CODE §§ 19.2-56, 19.2-57

## TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth to forthwith search the following place, person or thing either in day or night

Pink Sanyo digital camera and SD card in the Martinsville Police Dept evidence vault under evidence card number

32532 listed as item 1.

Martinsville Police Dept.

55 West Church St

Martinsville, Va. 24112

for the following property, objects and/or persons:  
photographs, videos, or any other evidence of the crime of indecent exposure.

You are further commanded to seize said property, persons, and/or objects if they be found and to produce before the Martinsville Circuit Court an inventory of all property, persons, and/or objects seized.

This SEARCH WARRANT is issued in relation to ☒ an offense substantially described as follows:

☐ a person to be arrested for whom a warrant or process for arrest has been issued identified as follows:

A violation of the Code Of Virginia 18.2-387, Indecent exposure

I, the undersigned, have found probable cause to believe that the property or person constitutes evidence of the crime identified herein or tends to show that the person(s) named or described herein has committed or is committing a crime, or that the person to be arrested for whom a warrant or process for arrest has been issued is located at the place to be searched, and further that the search should be made, based on the statements in the attached affidavit sworn to by

Sgt. R.D. Jones

NAME OF AFFIANT

C L Corns

☐ CLERK ☒ MAGISTRATE ☐ JUDGE

11/29/2018 11:36 AM

DATE AND TIME

C. L. Corns

FILE NO.

## SEARCH WARRANT

COMMONWEALTH OF VIRGINIA

v./In re

Pink Sanyo digital Camera

IN TESTIMONY that the foregoing is a true Copy taken from the records of said Court, I, Ashby R. Pritchett, Clerk thereof set my hand and affix the Seal of said Court

This the 12 day of December 2018

Ashby R. Pritchett Clerk

Circuit Court, City of Martinsville, VA

VIRGINIA

City of Martinsville Circuit Court Clerk's Office.

Received and Filed this the

9th Day of January 2019

at 12:21 PM

Tested: [Signature] Clerk

SWN: 690CM1800004504

# SEARCH INVENTORY AND RETURN

The following items, and no others, were seized under authority of this WARRANT:

1. Copy of 45 photos from SD card
2. Copy of August Probation report Brian Hill from SD card
3. word doc
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

The statement above is true and accurate to the best of my knowledge and belief.

11-29-18  
DATE

Subscribed and sworn before me this day

11/29/2018  
DATE

## FOR NOTARY PUBLIC'S USE ONLY:

State of ..... [ ] City [ ] County of .....

Acknowledged, subscribed and sworn to before me this ..... day of ....., 20 .....

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC

(My commission expires: .....)

## EXECUTION

Executed by searching the within described place, person or thing.

11-29-18 1157am  
DATE AND TIME EXECUTED

R Jones 220  
EXECUTING OFFICER

Certified to Martinsville  
Circuit Court on 11-29-18  
DATE

R  
EXECUTING OFFICER

Received ☒ in person [ ] by certified mail  
[ ] by electronically transmitted  
facsimile

on 11/29/2018  
DATE

ER HANCOCK DC  
FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 11/29/2018 @12:58:08

TESTE: ER HANCOCK  
CLERK/DEPUTY CLERK

Brian David Hill #302165  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24114

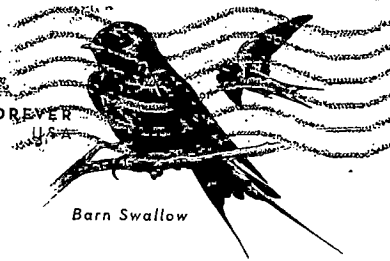
Clerk  
Please file this pleading  
ASAP, on the case

SBORO NC 274

OUT TRIAD AREA

ON 2018 PM 4 L

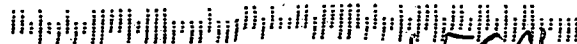
FOREVER



Barn Swallow

Office of the Clerk  
Martinsville General District Court  
Municipal Building, Room 100  
55 West Church Street  
Martinsville, VA 24112-1402

2411236209 0007



LEGAL MAIL 18

**THE MARTINSVILLE CITY JAIL HAS  
NEITHER CENSORED NOR INSPECTED  
THIS ITEM, THEREFORE, THE JAIL  
DOES NOT ASSUME RESPONSIBILITY  
FOR ITS CONTENT.**



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT 

Nov. 13, 2018

Dear Clerk of the Martinsville General District Court,  
I am Brian D. Hill, I am currently a prisoner of Martinsville City Jail. I am indigent under In Forma Pauperis statute

I like to request a copy of your court form for the Commonwealth's Petition for the Writ of Habeas Corpus. Once I receive the Court form for Writ of Habeas Corpus to challenge the Constitutionality of my detainment, I will file it.

I also like to request the form showing that I am indigent for the Petition that I wish to file.

My only source of income was my social security disability so I need the forms to be granted approval to proceed in my ability to file a Petition for Writ of Habeas Corpus without the prepayment of fees, or have the form to waive any applicable fees.

Since I am detained here locally, I request that the Jail officers of Martinsville Sheriff's Office serve me the forms and your response to save money on postage for the Court and to save time. Thank You.

Sincerely,

Brian David Hill

Martinsville City Jail

55 West Church Street

Martinsville, VA 24112

#302165

U.S.W.G.O.

JusticeForUSWGO.wordpress.com

Brian D. Hill  
signed

RECEIVED AND FILED  
Date 11-20-18 Time 1:15 a.m. (p.m.)  
MARTINSVILLE GENERAL DISTRICT COURT  
TESTE APP (Cik) D. Cik Date 11-20-18

(Copy forwarded to  
Public Defender)

Amazon: The Frame Up of Journalist Brian D. Hill

Commonwealth of Virginia,  
Plaintiff,

Case no. C18-3138

In re/V.

Brian David Hill,  
Defendant,

## MOTION/REQUEST FOR WRIT OF ACTUAL INNOCENCE OR JUDGMENT OF ACQUITTAL

NOW COMES Defendant Brian David Hill ("Brian" or "Hill")  
requesting that this Honorable Court grant Brian a Writ of  
Actual Innocence and/or Judgment of Acquittal. These are  
the following facts that the Defendant Brian wants to establish  
with this honorable Court.

Facts:

1. Brian has a mild form of Autism Spectrum Disorder,  
Obsessive Compulsive Disorder (OCD), Generalized Anxiety  
Disorder (GAD), and Type 1 brittle Diabetes. In the  
context of "Mens Rea", Brian had no intent to engage  
in the offense against the Commonwealth of Virginia  
("Commonwealth"). Crime is about intent; Did Brian intend  
to commit the offense?

RECEIVED 12-21-18  
DATE/TIME 11-27-18 5:00pm  
BY D. Cullen D. Cullen  
MARTINSVILLE GENERAL DISTRICT COURT

2. Brian has filed "Federal Affidavits", also known as unsworn Declarations under Oath regarding the events of late September 20, 2018, to September 21, 2018, relating to and regarding the alleged offense.

Brian asks to review over the following Federal Court case file evidence and admit this evidence into this case Commonwealth v. Hill:

1. Documents no. 152, 153, 154, and 155 of case United States v. Brian David Hill, case no. 1:13-cr-435, United States District Court for the Middle District of North Carolina. Ongoing 2255/Federal Writ of Habeas Corpus since Document no. 125 on up.

2. All documents in and of case Brian David Hill v. Martinsville City Jail et al, case no. 7:18-cv-499 United States District Court, for the Western District of Virginia.

All documents can be accessed inside the Case Management - Electronic Court Filings (CM/ECF) provided by PACER.GOV that is Public (or Peoples) Access to the Court's Electronic Records.

What the second factual paragraph establishes is that Brian is testifying-in-writing to that September 20, 2018 event, late at night, a guy wearing a hoodie had threatened to kill Brian's "Mother Roberta Hill" (he referred to "they" will kill Brian's mother) if he didn't take his clothes off in public, take photos of himself and place them at a drop off point at the bench after Southern Finishing plant on the Dick and Willie hiking trail in Martinsville, VA. Brian was under duress which made Brian go crazy as this was the first time that Brian had been threatened to that intent. Brian put his hand over his mouth when he was seen naked by somebody in a moving vehicle, needing help but was afraid to speak.

3. Brian had attempted to explain the situation as best he could to charging Officer Sgt. R. D. Jones of Martinsville Police Department, but it fell on deaf ears, he didn't want to accept the statements of Brian on September 21, 2018. Then Sgt. Jones lied to United States Probation Officer Jason McMurray. USPO McMurray can be subpoenaed at 210 Franklin Road, S.W., Roanoke VA 24011. The lie was that Brian had recanted the statements made to Sgt. R. D. Jones. Brian never recanted his statements made to Sgt. Jones on Sept. 21.

4. After Brian was charged and arrested, since that time, he was never interviewed by any officer of Martinsville Police Department. They have failed or refused to investigate Brian's statements while charging Brian. The bad guys committed the perfect crime against Brian. Brian the victim was treated like a criminal instead. Then Sgt. Jones lied to U.S.P.O McMurray, and the U.S. Probation Officers are federal officers. Lying to a Federal officer is a federal offense. Sgt. Jones has already lied in September, months before the trial set for the date of December 21, 2018.

Brian is a victim of crime. Brian has a defense to his charge in this case. Therefore Brian is actually innocent of his charge in this case. Brian should be acquitted of all charges or found actually innocent. This case should be dismissed with prejudice, Brian recommends to this honorable Court.

Brian respectfully files this pleading, this the 19<sup>th</sup> day of November, 2018.

# Certificate of Service

Defendant Brian David Hill, certifies that he did the following:

[X] Mailed a copy or original of this pleading to the Clerk of the Martinsville General District Court, located at  
Municipal Building, Room 100  
55 West Church Street  
Martinsville, VA 24112-1402

[X] Put in a request form to a Officer at ~~failed~~ Martinsville City Jail, with this pleading attached, directing that such officer serve the original with the Clerk of the Martinsville General District Court to be filed. If such attempt had failed then reason is Returned by Classification Officer. Second attempt by mailing.

on the date of November 19, 2018.

Since Defendant is indigent, Defendant requests that the Clerk or any applicable officer to serve a copy of this pleading with the Attorney of the Commonwealth by fax, mail, or email.

Respectfully filed by,

Brian David Hill (Pro Se)  
Inmate no. 302165  
P.O. Box 1326  
55 West Church Street  
Martinsville, VA 24112  
U.S.W.G.O.

Brian D. Hill  
Signed

Note: Defendant still wishes to be represented by the Public Defender. He filed this pleading, Pro Se, only so that the truth is documented and made known prior to the trial date set for this case. Defendant thinks that Scott Albrecht is a good lawyer, but Brian wants the truth to be documented in this local case, not just his Federal cases.  
Thanks for understanding. God Bless.

JusticeForUSWGO.wordpress.com

Attached to: Certificate of Service  
**REQUEST FOR INTERVIEW**

During a persons incarceration there are times a person may feel the need for a special interview and whom they need to speak with about that request. **Check the department that describes your request.**

\_\_\_\_\_ **CLASSIFICATION DEPT.** - Issues relating to your record /file status.

☒ **SHIFT SUPERVISOR** - Issues concerning jail rules, property issues, or other issues not related to any other departments listed.

\_\_\_\_\_ **INMATE ACCOUNTS DEPT.** - Issues concerning inmate canteen, inmate disbursements, and the balance of your account.

\_\_\_\_\_ **MEDICAL DEPT.** - Questions concerning medical treatment, appointments, and prescriptions.

\_\_\_\_\_ **HOME ARREST (Electronic Ankle Device Tracking System)**

**PROGRAMS:**

\_\_\_\_\_ **DRUG / ALCOHOL COUNSELING / CLEAN START**

\_\_\_\_\_ **GOOD NEWS JAIL MINISTRY**

\_\_\_\_\_ **G.E.D.**

\_\_\_\_\_ **LIFE SKILLS CLASS**

\_\_\_\_\_ **VA CARES PROGRAM**

For all emergency requests, please use the proper form which is the Emergency Request For Review Form.

*Forward request*

\*\*\*\*\*

**I request an interview for the purpose of discussing:**

*Next time one of your officers heads down to the District Court Clerk,  
Please forward the attached papers directly to the Clerk. Please  
give the attached papers to the General District Clerk of the  
Court. Should be 6 pages for the Deputy Clerk.*

*Thanks.*

*U.S.W.G.O.*

*JusticeForUSNGO.wordpress.com*

Print Inmate Name: *Brian David Hill* *J-8* *11/19/2018*  
Housing Unit# Date Time

Results of interview: *Returned to me by Classification Officer*

Officer Signature:

*Brian D. Hill*  
*Signed*

**VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE CITY OF  
MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,** )

**v.** )

**CASE NO: C18-3138**

**BRIAN DAVID HILL** )

**Defendant.** )

**MOTION FOR DISCOVERY BY DEFENDANT**

COMES NOW the Defendant, BRIAN DAVID HILL, by Counsel, and moves this Honorable Court for the following, as provided by law and Rule 7C:5 of the Virginia Rules of Court:

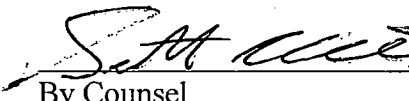
1. That in accordance with said Rule, the Commonwealth's Attorney permit and make available to the Attorney for the Defendant for inspection, copying, or photographing any relevant (i) written or recorded statements or confessions made by the accused, or copies thereof, or the substance of any oral statements or confessions made by the accused to any law enforcement officer, and (ii) any criminal record of the accused that is known by the Commonwealth's Attorney to be within the possession, custody, or control of the Commonwealth; and

2. Any exculpatory information or evidence as set forth by *Brady v. Maryland* and its progeny that is known to the Commonwealth.

WHEREFORE, the Defendant prays that this Honorable Court order the Commonwealth's Attorney to provide the foregoing information.

Respectfully submitted,

**BRIAN DAVID HILL**

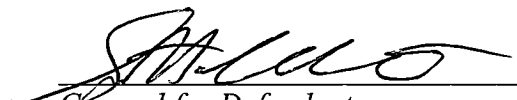
  
By Counsel

**RECEIVED**  
DATE/TIME 11-28-18 11:00am  
BY D. Collier D. Clark  
MARTINSVILLE GENERAL DISTRICT COURT

Scott Albrecht, Esq. (VSB #88411)  
Office of the Public Defender  
P.O. Drawer 31  
Martinsville, VA 24114  
T: (276) 666-2206 ext. 106  
F: (276) 666-8929  
salbrecht@mar.idc.virginia.gov  
*Counsel for Defendant*

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Motion was mailed, faxed or delivered this 28th day of November, 2018, to the office of G. Andrew Hall, Commonwealth's Attorney for the City of Martinsville.

  
*Counsel for Defendant*

**VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE CITY OF  
MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,** )  
 )  
**v.** )  
 )  
**BRIAN DAVID HILL,** )  
**Defendant.** )

**CASE NO: C18-3138**

**ORDER**

This case came this day to be heard upon the written motion of the Defendant, BRIAN DAVID HILL, by counsel, who moved, pursuant to Rule 7C:5 of the Rules of the Supreme Court of Virginia, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in said Rule, and

It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;

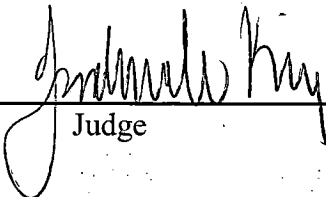
(2) A copy of any criminal record of the accused; and

(3) Any exculpatory information or evidence as set forth by *Brady v. Maryland* and its progeny that is known to the Commonwealth.

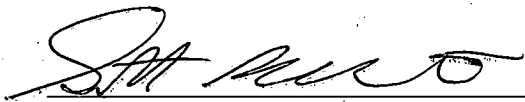
And it is further ADJUDGED, ORDERED and DECREED that the Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material

subsequently discovered which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

ENTER this 28 day of November, 2018.

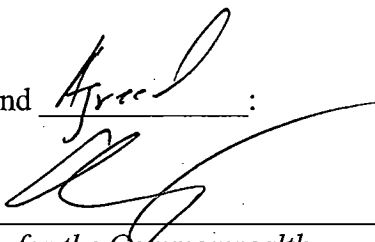
  
\_\_\_\_\_  
Judge

I ASK FOR THIS:



Scott Albrecht, Esq. (VSB #88411)  
Office of the Public Defender  
P.O. Drawer 31  
Martinsville, VA 24114  
T: (276) 666-2206 ext. 106  
F: (276) 666-8929  
salbrecht@mar.idc.virginia.gov  
*Counsel for Defendant*

SEEN and Agreed:



*Attorney for the Commonwealth*  
City of Martinsville, Virginia  
P.O. Box 1311  
Martinsville, VA 24112  
T: (276) 403-5470

Michael McPherson  
Retained for  
Bond Hearing  
10-12-18  
9:45a

RECEIVED  
DATE/TIME 11-28-18 11am  
BY D. Allen D. Clark  
MARTINSVILLE GENERAL DISTRICT COURT

Martinsville General District Court  
Commonwealth of Virginia

Commonwealth of Virginia,  
Plaintiff,

Case no C18-3138

Vs

Brian David Hill,  
Defendant,

Motion for Case Dismissal with Prejudice

NOW comes the Defendant Brian David Hill ("Brian", or "Hill") asking the honorable Court to dismiss this criminal case to save judicial time and resources, since Hill is actually innocent as explained in the last pleading of Hill's "Motion for Writ of Actual Innocence or Judgment of Acquittal".

Facts:

1. Hill has Autism, Hill can be manipulated easily by threats and coercion. Hill is legally handicapped under the Commonwealth of Virginia, Department of Motor Vehicles ("DMV") by a certified Medical Doctor. Under the Federal Law of the Americans with Disabilities Act, Title II ("ADA") and Commonwealth law, Hill has and still suffers with a ~~pure~~ neurological/mental disability of Autism Spectrum Disorder: Mild range.

## Martinsville

2o Hill had reported to Martins Police Department ("MPD") about the guy in the hoodie on the day of Hill's arrest but Sgt R.D. Jones, an officer of MPD had refused to accept Hill's Autism, even though it is easy to verify through the DMV electronic records. Officer Jones refused to accept Hill's truthful statements, refused or failed to investigate the threatening greeting card that Hill's mother Roberta Hill had received prior to the incident on September 21, 2018. Officer Jones did not want to accept Hill's legal handicap status of being medically handicapped, by being mentally/neurologically handicapped. Hill had been threatened and coerced to get naked and take pictures or as the unidentified man had said "they will kill your Mother Roberta Hill". Roberta is Hill's mother and was Hill's medical caretaker, under Medicaid waiver, and paid by Public Partnership. Hill was coerced to such an extent to believe that if he runs away to inform the police or physically fights back that his Mother would be murdered before Hill returns to his Apartment. Hill being threatened and coerced, as well as MPD refusing to accept Hill's Autism and story, gives Hill an affirmative defense of frame up and thus is actually innocent of his charge. Hill is willing to testify under Oath in regards to the guy wearing the hoodie however due to Hill's mental disability as verified by DMV records, Hill requests that he be given at least one (1) minute between questions to answer them.

3. Hill's attorney Scott Albrecht of the local Public Defender office explained to Hill that he didn't do anything indecent, that Hill didn't break the law. Hill has a defense and his Attorney can explain that to the Court. Hill had his hand over his mouth and had no intent to do anything sexual. The incident happened at night, nobody was on the hitting trail, nobody asked if Hill was okay. Hill did not engage in indecent exposure. The guy wearing the hoodie was at the warehouse where the hitting trail was at. Hill's situation was unusual, people not hitting the trail, Hill being threatened and coerced. Hill should have been returned back home, his caretaker notified, a report written regarding Hill's story, and his caretaker/mother interviewed, as well as notifying his Counselor Preston Page, LCSW/LSATP. MPD had discriminated against Hill's Autism, in violation of ADA federal law. Hill is an innocent man. MPD had mishandled the situation. Hill has suffered enough days in Jail for MPD's mishandling of the situation which is unprofessional misconduct.

4. Officer Jones of MPD had lied to U.S. Probation Officer Jason McMurray at 210 Franklin Road S.W., Roanoke, VA 24011, regarding a claim that Hill had recanted his story when Hill never did. Lying to a federal law enforcement officer is a federal offense. Officer Jones should be reprimanded for lying, lying to a federal Probation Officer.

Hill is actually innocent, and MPD's unprofessional errors and misconduct justify that Hill should be released from custody, and that the Commonwealth's case should be dismissed with prejudice.

An innocent man being detained in Jail violates the eighth (8<sup>th</sup>) Amendment's prohibition on cruel and ~~unusual~~ unusual punishments being inflicted, in the U.S. Constitution. Even the U.S. Supreme Court affirmed that an innocent man being punished violates the 8<sup>th</sup> Amendment of the U.S. Constitution.

Hill respectfully asks the honorable court to dismiss his charge with prejudice, and release him from custody as soon as possible. Thank You.

Hill respectfully files this Motion, this the 26<sup>th</sup> day of November, 2018, with the Clerk of the Court. See attached certificate of service. Since Hill has no access to a photocopy machine and is indigent under In Forma Pauperis statute, Defendant Hill requests that the Commonwealth Attorney be served a copy of this Motion by the Clerk.

Brian D. Hill  
Signed

U.S. v. W. G. O.

JusticeForUSNGO.wordpress.com

Respectfully Submitted,  
Brian David Hill (Pro Se)  
#302165

Martinsville City Jail

P.O. Box 1326

55 West Church Street  
Martinsville, VA 24112

## - Certificate of Service -

Defendant Brian David Hill certifies that he mailed the original pleading of "Motion for Case Dismissal with Prejudice" to the Clerk of the Court at the following address:

Clerk of the Court  
Martinsville General District Court  
Municipal Bldg., 55 West Church Street, Room 100  
Martinsville, VA 24112-1402

on the day of November 26, 2018.

Respectfully requests that since Defendant has no access to a copy machine and is indigent under In Forma Pauperis statute, that the Clerk serve a copy of this original pleading with the Commonwealth Attorney by any means including but not limited to mailing, faxing, emailing, or courier by an officer of the Court.  
Thank You. That should satisfy this requirement.

Brian D. Hill  
Signed  
U.S. W. G. D.

Respectfully submitted,  
Brian David Hill (Pro Se)  
#302165  
Martinsville City Jail  
55 West Church Street  
Martinsville, VA 24112

# SUBPOENA FOR WITNESSES

MARTINSVILLE GEN DIST - CRIMINAL

VA. CODE §§ 8.01-407, 16.1-265, 17.1-617,  
19.2-267, and Rules 3A:12 and 7A:12

CITY OR COUNTY

☒ General District Court (☐ Civil ☒ Criminal ☐ Traffic)  
(276) 403-5125

☐ Juvenile and Domestic Relations District Court

P.O. BOX 1402, MARTINSVILLE, VA 24114

STREET ADDRESS OF COURT

TELEPHONE NUMBER

TO ANY AUTHORIZED OFFICER:

You are hereby commanded to summon forthwith the witnesses listed below to appear on

DECEMBER 21, 2018 at 10:45 AM to testify in this case.

DATE TIME  
RETURNS: Each witness was served as indicated below, according to law (unless not found).

NAME SGT. R.D. JONES

ADDR M.P.D.  
403-5300

☒ PERSONAL SERVICE Tel. No.

- ☐ Being unable to make personal service, a copy was delivered in the following manner:
- ☐ Delivered to person found in charge of usual place of business or employment during business hours and giving information of its purport.
- ☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation to recipient to party named above.
- .....
- ☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)
- ☐ Served on Secretary of the Commonwealth.

☐ Not Found

9-28-18 for S.M. Draper  
DATE

**NOTICE TO WITNESS: Failure to comply with this subpoena could cause you to be fined or jailed for contempt of court. Bring this subpoena with you to court. When asking about this case, have this form in hand.**

RETURN DATE  
12/21/18

CASE NO.  
690GC18003138-00  
001

☒ Commonwealth of Virginia [or]  
☐ CITY ☐ COUNTY ☐ TOWN of  
.....[or]  
☐

In re / v.

BRIAN DAVID HILL

Charge:

INDECENT EXPOSURE

## SUBPOENA for WITNESSES

The witnesses are subpoenaed to testify on behalf of:

☒ Commonwealth of Virginia [or]  
☐ the City, County, or Town indicated [or]  
☐ Plaintiff(s) [or]  
☐ Defendant(s) [or]  
☐ Juvenile

Subpoena requested by:

MARTINSVILLE CITY  
SHERIFF'S OFFICE  
STEVEN M DRAPER  
SHERIFF  
2018 SEP 25 AM 11:57

09/24/18

DATE ISSUED

*Deanna Callan*  
CLERK ☐ MAGISTRATE ☐ JUDGE  
PROSECUTING ☐ DEFENSE ATTORNEY 37

CC180926015

**IF YOU ARE THE VICTIM OF A CRIME**, defined by the Code of Virginia as anyone suffering physical, psychological or economic harm as a direct result of a (1) felony or (2) assault and battery, stalking, sexual battery, attempted sexual battery, driving while intoxicated, violation of a protective order, or a delinquent act of one of these offenses that would be a felony or misdemeanor if committed by an adult, you may be entitled to certain information or assistance.

**Contact your local Commonwealth's Attorney's office or Victim-Witness Assistance program for further information.**

---

#### **VICTIMS AND WITNESSES**

**MAY BE ENTITLED TO THE FOLLOWING SERVICES IN CASES INVOLVING THE CRIMES NAMED ABOVE:**

- **PROTECTION** from harm or threats arising from cooperation with law enforcement or prosecution efforts through witness protection programs administered by state, federal or local police. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **SEPARATE** waiting areas during court, where available, that afford privacy and protection from intimidation and that does not place the victim in close proximity to the defendant or the defendant's family. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **FINANCIAL ASSISTANCE** by filing a claim for Crime Victim's Compensation, restitution for damages or loss, or assistance in having promptly returned any property held by law enforcement agencies for evidence. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **EMPLOYER INTERCESSION SERVICES** to minimize loss of pay and other benefits resulting from court appearances, and ensuring that you are not penalized for appearing in court. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **NOTICES** from (1) the Commonwealth's Attorney of court proceedings, changes in court dates, case status and dispositional information (2) the Attorney General of the filing and disposition of any appeal or habeas corpus proceeding in the case, if requested, and (3) a local jail or penitentiary of the convicted assailant's release or escape, upon your written request. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **COURTROOM ASSISTANCE** through the services of an interpreter, confidentiality of your address, telephone number and place of employment, upon your written request. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **VICTIM INPUT** by the preparation of a written victim impact statement after the defendant's conviction and the ability to remain in the courtroom during court proceedings unless you are excluded as a material witness. Upon a written request by the victim, the Commonwealth's Attorney shall consult the victim in a felony case either verbally or in writing to inform the victim of the contents of a proposed plea agreement and to obtain the victim's views, about the disposition of the case, including the victim's views concerning dismissal, pleas, plea negotiations and sentencing. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.

**DISABILITY ACCOMMODATIONS** for losses of hearing, vision, mobility, etc. Contact the court ahead of time.

**DISPOSITION NOTICE**

Commonwealth of Virginia

**DISPOSITION TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER:**

Confine the person named in this notice in your facility in accordance with the order(s) below.  
**HOWEVER**, if the defendant appeals ANY of the charges below, **DO NOT RELEASE** him or her until **ALL** conditions of bail are met.

Martinsville

CITY OR COUNTY

H-11 Brian David

NAME OF DEFENDANT (LAST, FIRST, MIDDLE) AND ALIAS, IF ANY

5-26-90

DATE OF BIRTH

☒ Male ☐ Female ☒ Adult ☐ Juvenile☐ DISPOSITION ADDENDUM listing additional cases is attached and incorporated.

1. Case No. C18-3138 Offense Date 9-21-18 Original Charge Indecent Exposure

☐ Not guilty ☐ Nolle prosequi ☐ Dismissed☒ Convicted of Same ☐ Felony ☒ Misdemeanor☐ State Code § ☒ Local Ordinance 13-17

VCC 085 3713 01 OTN 690 Gm 18 0000 3560

☐ Appeal noted ☐ Certified to Grand Jury ☐☒ Jail sentence of 30 days imposed with suspended.☐ mos. 30 days hours to be served in jail ☐ of which days mandatory minimum confinement.☐ Committed to the Department of Corrections for☐ Committed to the Department of Juvenile Justice for☐ Extradition waived, and Form DC-375 WAIVER OF EXTRADITION attached. If not delivered to Demanding State, return to court on at m. ☐

Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

2. Case No. Offense Date Original Charge

☐ Not guilty ☐ Nolle prosequi ☐ Dismissed☐ Convicted of ☐ Felony ☐ Misdemeanor☐ State Code § ☐ Local Ordinance

VCC OTN

☐ Appeal noted ☐ Certified to Grand Jury ☐☐ Jail sentence of imposed with suspended.☐ mos. days hours to be served in jail ☐ of which days mandatory minimum confinement.☐ Committed to the Department of Corrections for☐ Committed to the Department of Juvenile Justice for☐ Extradition waived, and Form DC-375 WAIVER OF EXTRADITION attached. If not delivered to Demanding State, return to court on at m. ☐

Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

☐ Civil Contempt ☐ To be served in jail ☐ Released upon payment of \$ support arrearages to:

PAYEE

☐ Restitution ordered: \$☐ Other**SPECIAL CONDITIONS:** ☐ Weekend ☐ Delayed confinement to begin

DATE

☐ Work release ☐ Work release (if eligible) ☐ Home-electronic incarceration ☐ Drug testing ordered☐ Public Workforce Authorized**BAIL AMOUNT:** \$ ☐ If transferred or certified to Circuit Court ☐ If appealed☐ Secured ☐ Unsecured ☐ Recognizance ☐ Held without bail ☒ No change in existing bail amount☒ No change in existing bail conditions **Circuit Court date and time:****ADDITIONAL BAIL CONDITIONS:** Accused ☐ may ☐ may not depart the Commonwealth of Virginia.☐ Future Support Bond \$ ☐ Support Arrearage Bond \$ ordered and must be posted with the Clerk within thirty (30) days of civil contempt finding/criminal contempt conviction. (Form DC-460)

12-21-18

DATE

CLERK

☐ JUDGE

**PUBLIC DEFENDER TIME SHEET**

Commonwealth of Virginia

**PUBLIC DEFENDER**  
10 E. Main Street  
Martinsville, Va. 24112  
Telephone: 276-666-2266

PUBLIC DEFENDER: \_\_\_\_\_

NAME

ADDRESS

ADDRESS

COURT:

☐ Circuit

☒ General District

☐ Juvenile and Domestic Relations District

☒ Commonwealth

VS/In Re: Bryan Hill

☐ Locality

Court Date: 12-21-18

☐ Number of Charges and Code Sections

Case Number(s): C18 3138

CODE SECTIONS

THIS FORM MUST BE SUBMITTED TO THE COURT AND SIGNED BY THE ATTORNEY AT THE TIME OF TRIAL.

TIME

HOURS

MINUTES

RATE

AMOUNT

In Court

20

90

30

Out of Court  
(Includes research,  
interview, other)

1

0

90

90

**EXPENSES**

Please itemize and attach invoices \_\_\_\_\_

Add items on reverse side of form \_\_\_\_\_

TOTAL: \$20.00

I certify that the above detailed time and expenses are accurate.

12-21-18

DATE

ATTORNEY

AMOUNT ALLOWED: \$120.00

DATE

JUDGE

**I. ACKNOWLEDGMENT OF SUSPENSION OR  
REVOCATION OF DRIVER'S LICENSE**

Commonwealth of Virginia Va. Code §§ 19.2-354, 19.2-358, 46.2-395

Case no(s): 018-3138

Court date: 12-21-18

**MARTINSVILLE GENERAL DISTRICT COURT** [ ] Juvenile and Domestic Relations District Court  
55 W. Church St. - P.O. Box 1402 [ ] General District Court  
CITY/COUNTY Martinsville, VA 24114  
Phone: 276-403-5125

COURT ADDRESS

Brian David Hill  
NAME OF DEFENDANT/JUVENILE

SSN

DRIVER'S LICENSE NO.

RESIDENCE ADDRESS

MAILING ADDRESS IF DIFFERENT FROM ABOVE

TELEPHONE NUMBER

I acknowledge that I have been notified that my driver's license/driving privilege:

[ ] is suspended or revoked for a period of ..... effective ..... as a result of

[ ] my conviction by this court or [ ] .....

[ ] action taken by the Virginia Department of Motor Vehicles pursuant to Va. Code § 46.2-390.1 for the court's conviction or finding of facts sufficient to convict the offender of violating the drug laws (Va. Code §§ 18.2-247 through 18.2-264) of Virginia.

[ ] determination by the Virginia Department of Motor Vehicles [ ] ..... that I am a habitual offender.

[ ] has been suspended [ ] effective 30 days from the date of sentencing [ ] effective 4-17-19 pursuant to Va. Code § 46.2-395 as a result of my failure to pay all or part of my fines, costs, forfeiture, restitution (if not otherwise ordered), and/or penalty of \$ 294.00 plus any additional court-appointed attorney fee, if applicable.

[ ] has been suspended effective .....

if the Alcohol Safety Action Program fee of \$ ..... is not paid by that date.

I further certify that on this date this notice, including Part I, was read, understood by me, a copy given to me and that my license

[ ] WAS [X] WAS NOT surrendered to this court.

12-21-18  
DATE

Brian D. Hill  
DEFENDANT

Witnessed by: Danica Allen

SEE PART I ON THE BACK OF THIS FORM FOR FURTHER STIPULATIONS, WARNINGS AND INFORMATION CONCERNING THIS ACKNOWLEDGMENT WHICH ARE HEREBY INCORPORATED BY REFERENCE.

**II. ORDER FOR PAYMENT AGREEMENT**

Having assessed the defendant's ability to pay the fines, costs, forfeiture, restitution (if not otherwise ordered) and/or penalty imposed by taking into account the defendant's financial resources and obligations [ ] as set forth on form DC-211 and/or [ ] by conducting a verbal inquiry of the defendant,

it is ORDERED that the defendant shall

[ ] make ..... periodic payments of \$ ..... per .....

beginning ..... [ ] with a down payment of \$ ..... (installment payment agreement).

[ ] pay in full on or before 4-17-19 [ ] with a down payment of \$ ..... (deferred payment agreement)  
DATE

[ ] and will use best efforts to make periodic payments of

\$ ..... per ..... (modified deferred payment agreement).

[ ] do community service work (fines and costs only) on or before ..... to earn credit for all or part of the fines and costs owed.  
DATE

[ ] Restitution payments are to be paid in accordance with the court's ORDER FOR RESTITUTION previously entered.

This order regarding the payment of fines, costs, forfeiture, restitution (if not otherwise ordered) and/or penalty applies to the following cases:

[ ] all cases in this court in which fines, costs, forfeiture, restitution (if not otherwise ordered) and/or penalty are owed.

[ ] case no(s) listed at the top of this page.

12-21-18  
DATE

Danica Allen  
CLERK [ ] JUDGE

41

## PART I

**If my driver's license has been suspended for failure to pay fines, costs, forfeiture, restitution, and/or penalty, I understand that I can stop this suspension going into effect if the court actually receives full payment of the fines, costs, forfeiture, restitution and/or penalty by the effective date of this suspension. I understand that I can also stop this suspension going into effect if, by the effective date of the suspension, I enter into and comply with a deferred or installment payment agreement approved by the court, or I am permitted and agree to perform community service to pay all or part of the fines and costs. I understand that I assume all risks in sending payment by mail. If, within 30 days of sentencing, full payment is not received by the court, or if I have not entered into and complied with an approved payment agreement or agreed to perform community service, if permitted, the suspension goes into effect and my license must be surrendered to the court by that date.\***

I understand that if I provide for payment of a fine or other monies due by a method other than cash and my payment fails, the clerk will send me a written notice of my failure of payment. A penalty of \$50.00 may be charged if the method of payment fails.

I further understand that, if I am convicted of driving while my driver's license is suspended or revoked, I may be fined, sentenced to jail, or both.

I understand that upon suspension or revocation of my license, I may not operate a motor vehicle in Virginia until:

- (1) All periods of suspension imposed by any court or the Department of Motor Vehicles have expired, AND
- (2) I have paid all unpaid fines, costs, forfeiture, restitution, and/or penalty (if any) and the period of suspension (if any) has expired, AND
- (3) The Department of Motor Vehicles reinstates my license (if suspended) or issues a new license (if revoked) after:
  - (a) I have paid the reinstatement fee (if any) to the Department of Motor Vehicles, AND
  - (b) I have delivered a completed copy of the Driver's License Reinstatement Form, if my license was suspended for failure to pay fines, costs, forfeiture, restitution, penalty, and/or ASAP fee. I understand that I must obtain this form from the clerk's office of this court or the court where the case papers are filed, AND
  - (c) I have met all other administrative requirements of the Department of Motor Vehicles.

## PART II

**I understand that if the Court has ordered deferred or installment payments, or community service to pay all or part of the fines and costs, I must make all required payments or perform all community service on time. If I do not make a scheduled payment or perform the ordered community service, my driver's license will immediately be suspended pursuant to Va. Code § 46.2-395.\***

I understand that:

- (1) the court may assess a one-time \$10.00 fee to cover the costs of the installment, deferred payment or community service agreement;
- (2) as a condition of this agreement, I must promptly inform the court of any change of my mailing address during the term of the agreement;
- (3) if the fines, costs, forfeiture, restitution, and/or penalty are not paid in full by the date ordered, the court shall proceed according to the provisions of Va. Code § 19.2-358, which state that a show cause summons or capias for my arrest may be issued;
- (4) the amount(s) listed in this agreement may be administratively amended by the clerk of this court in the event additional costs should be assessed and if additional costs are assessed, that the clerk will forthwith issue a notice to me of the total amount due by first class mail to my address of record;
- (5) the court or clerk thereof may adjust the final payment date administratively, without further notice, for installment payment agreements, if I fail to make a scheduled payment or for deferred payments, if I fail to pay in full by the date ordered, for the purposes of referring the account for action pursuant to Va. Code § 19.2-358; and
- (6) upon notification by a court that my license has been suspended pursuant to Va. Code § 46.2-395, the Commissioner of the Department of Motor Vehicles shall also suspend all of the registration certificates or license plates registered solely in my name and thereafter shall not issue any registration or license plates for any other vehicle that I seek to register solely in my name.

I further understand that if the court does not receive payments as ordered, my case will be referred for collection enforcement action under §§ 19.2-349, 19.2-353.5, 19.2-358, 46.2-395, or 58.1-520 through 58.1-534 of the Code of Virginia. If my case is referred for collection enforcement action under § 19.2-349, the amount that I owe and that can be collected will be increased to reflect the additional costs associated with collection action. If any part of the amount remains unpaid, pursuant to § 19.2-358, I may be subject to a jail sentence of up to 60 days or an additional fine of up to \$500.00.

Pursuant to Virginia Code § 19.2-353.5, if interest on outstanding fines and costs owed to this court accrued during a period when I was incarcerated, I understand that I may request that the interest that accrued when I was incarcerated be waived by this court.

\*The license suspension in Va. Code § 46.2-395 does not apply to toll violations set forth in Va. Code §§ 46.2-819.1, 46.2-819.3, 46.2-819.3:1, 46.2-819.5 and 33.2-503.

CITY OF MARTINSVILLE  
AUTHORIZATION TO DISBURSE FUNDS

TO

**MARTINSVILLE GENERAL DISTRICT COURT**

Invoice Number \_\_\_\_\_

Purchase Order Number \_\_\_\_\_

Vendor Number 3764

Net Amount of Invoice: \$120.00

Date of Invoice: 12/21/2018

<u>Budget Line Item</u>	<u>Cost Center</u>	<u>Amount</u>
01212072 503157	COURT APPOINTED ATTY.	\$120.00
_____	Def: Hill, Brian David	_____
_____	Date: 12/21/2018	_____
_____	File No.: C18-3138	_____
_____	_____	_____
_____	_____	_____

COPY

Certified for payment by: \_\_\_\_\_

  
(Clerk-Deputy Clerk)

Date: 12/21/2018

-----  
-FOR FINANCE USE ONLY-

Approved by \_\_\_\_\_

Entered by \_\_\_\_\_

Date Paid \_\_\_\_\_

Check Number \_\_\_\_\_

Control Number \_\_\_\_\_

Bank \_\_\_\_\_

Active Sentence Saved.

**Account Information**

Case#	Account Of	SSN	DOB	DL#	Trial Date	Payment Due Date	Interest Date	Account Status	Total Interest Waived \$	Balance Due with Interest To Date \$	Balance Due For Adjusted Incarceration Interest \$
GC18003138-00	HILL, BRIAN DAVID	591-98-0319	05/26/1990	NONE	12/21/2018	04/17/2019	12/21/2018	P	0.00	299.00	299.00
Total : \$									0.00	299.00	299.00

**Incarceration Information**

Active Sentence	Correctional Facility	Start Date	End Date	Unknown End Date
<input checked="" type="checkbox"/>		12/21/201	01/21/201	<input type="checkbox"/>
<input type="checkbox"/>		MM/DD/Y	MM/DD/Y	<input type="checkbox"/>

# NOTICE OF APPEAL – CRIMINAL

Commonwealth of Virginia VA. CODE §§ 16.1-132, 16.1-133, 19.2-124

Martinsville  
CITY OR COUNTY

General District Court

12-21-18

DATE OF CONVICTION OR BAIL DETERMINATION

I, the undersigned, appeal ☒ my conviction ☐ the determination on bail to the Circuit Court of this city or county. I understand that this appeal may be withdrawn at any time prior to the hearing date set for this case.

This case is scheduled to be called for ☐ hearing on appeal of determination of bail ☐ trial ☐ setting of trial date

on 1-28-19 @ 9:00am in the Martinsville Circuit Court

DATE AND TIME OF APPEARANCE

at Municipal Bldg, 2nd Floor, Martinsville, VA 274903-3105

STREET ADDRESS OF CIRCUIT COURT

TELEPHONE

☐ I am requesting a stay of the execution of the bail determination order.

I understand that if this is an appeal of a conviction and it is withdrawn within 10 days after my conviction in this District Court, no additional costs will be taxed against me; otherwise, additional costs will be incurred in Circuit Court. I also understand that upon withdrawal of that appeal, I am subject to the terms of my sentence.

**WARNING TO DEFENDANT**—You are subject to trial and conviction in your absence if you fail to appear for your trial in the Circuit Court. Failure to appear for your trial shall be deemed a waiver of your trial in this case. Failure to appear may also constitute a separate criminal offense.

12-26-18

DATE OF APPEAL

2 APPELLANT PRC

I promise to appear before the Circuit Court of this jurisdiction at the date and time shown above.

DATE OF APPEAL

APPELLANT D.

NAME OF ATTORNEY FOR DEFENDANT APPELLANT

by

ATTORNEY FOR APPELLANT DEFENDANT

**NOTICE:** Promptly communicate with the Clerk of the Circuit Court of this jurisdiction concerning the subpoenaing of witnesses and any need for interpreters, concerning your right of representation by a lawyer if you do not have a lawyer, and, if you are appealing a conviction, if you wish to request a jury trial. If your case is scheduled for trial, you MUST be present and ready for trial at the “date and time of appearance” shown above.

## ORDER FOR STAY OF BAIL DETERMINATION ORDER

☐ This matter is not governed by § 19.2-120 (B) or (C) or § 19.2-120.1. The request for stay of execution of the bail determination order is

☐ granted, upon good cause shown, and the bail determination order is stayed until

DATE AND TIME

☐ This is a matter governed by § 19.2-120 (B) or (C) or § 19.2-120.1, and bail was granted over the presumption against bail. Having received notice of an appeal of the court’s decision by the Commonwealth, the court stays the bail determination order until

DATE AND TIME

defendant requests a hearing outside the 5-day limit.

DATE

JUDGE

CASE NO. C18-3138

## NOTICE OF APPEAL

☐ Commonwealth of Virginia

☒ City ☐ County ☐ Town of

Hill, Brian David  
DEFENDANT’S NAME (LAST, FIRST, MIDDLE)

ORIGINAL CHARGE

APPELLANT

ADDRESS

TELEPHONE NUMBER

## WITHDRAWAL

I, the undersigned, withdraw my appeal in this case

DATE

APPELLANT

by

ATTORNEY FOR THE APPELLANT

## COURT USE ONLY

☐ Release on \$ (SECURED)

\$ (UNSECURED)

☐ Not eligible for bail.

## Commonwealth of Virginia

**HOWEVER**, if the defendant appeals ANY of the charges below, **DO NOT RELEASE** him or her until ALL conditions of bail are met.

CITY OR COUNTY

[ ] Juvenile and Domestic Relations District Court [ ] Circuit Court

5/26/1990

NAME OF DEFENDANT (LAST, FIRST, MIDDLE) AND ALIAS, IF ANY

DATE OF BIRTH

☐ DISPOSITION ADDENDUM listing additional cases is attached and incorporated.

☐ Not guilty ☐ Nolle prosequi ☐ Dismissed

☒ Convicted of ..... INDECENT EXPOSURE ..... [ ] Felony ☒ Misdemeanor

[ ] State Code § ..... ☒ Local Ordinance ..... 18.2-387

VCC ..... OBS-3713-01 ..... OTN ..... 690GM1800003560

☒ **Appeal noted** [ ] Certified to Grand Jury ..... \$299.00  
 FINE/COST ..... [ ] ..... OTHER

☒ Jail sentence of ..... 030 D ..... imposed with ..... suspended.

[ ] ..... mos. .... days ..... hours to be served in jail [ ] of which ..... days mandatory minimum confinement.

☐ Committed to the Department of Corrections for .....

[ ] Committed to the Department of Juvenile Justice for .....

[ ] Extradition waived, and Form DC-375 WAIVER OF EXTRADITION attached. If not delivered to Demanding State, return to court on ..... at ..... [ ] .....

Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

☐ Not guilty ☐ Nolle prosequi ☐ Dismissed

☐ Convicted of ..... ☐ Felony ☐ Misdemeanor

☐ State Code § ..... ☐ Local Ordinance .....

VCC ..... OTN .....

[ ] **Appeal noted** [ ] **Certified to Grand Jury** ..... [ ] .....

[ ] Jail sentence of ..... imposed with ..... suspended.

[ ] ..... mos. .... days ..... hours to be served in jail [ ] of which ..... days mandatory minimum confinement.

[ ] Committed to the Department of Corrections for .....

[ ] Committed to the Department of Juvenile Justice for .....

[ ] Extradition waived, and Form DC-375 WAIVER OF EXTRADITION attached. If not delivered to Demanding State, return to court on ..... at ..... [ ] .....

Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

☐ Civil Contempt ☐ To be served in jail ☐ Released upon payment of \$ ..... support arrearages

to: .....  
 PAYEE

[ ] Restitution ordered: \$ .....

☐ Other .....

**SPECIAL CONDITIONS:** ☐ Weekend ☐ Delayed confinement to begin on ..... DATE ..... at ..... TIME .....

☐ Work release ☐ Work release (if eligible) ☐ Home-electronic incarceration ☐ Drug testing ordered

Public Workforce Authorized

**BAIL AMOUNT:** \$ ..... [ ] If transferred or certified to Circuit Court ☒ If appealed

☐ Secured ☐ Unsecured ☐ Recognizance ☐ Held without bail ☒ No change in existing bail amount

☒ No change in existing bail conditions Circuit Court date and time: 1/28/2019 9:00 am

**ADDITIONAL BAIL CONDITIONS:** Accused [ ] may [ ] may not depart the Commonwealth of Virginia.

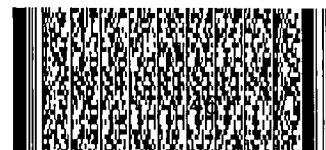
[ ] Future Support Bond \$ ..... [ ] Support Arrearage Bond \$ ..... ordered and must be posted with the Clerk within thirty (30) days of civil contempt finding/criminal contempt conviction. (Form DC-460)

12/26/2018

.....  
DATE

~~CLERK~~

[ ] JUDGE



Martinsville General District Court  
Commonwealth of Virginia

Commonwealth of Virginia,  
Plaintiff,

Case no. C18-3138

V.

Notice of Appeal

Brian David Hill  
Defendant,

Notice of Appeal

Criminal Defendant Brian David Hill hereby files this Notice of Appeal, appealing the Judgment of this honorable Court that was entered on December 21, 2018. The Defendant appeals the Judgment of guilty in this case. The Defendant appeals this decision to the Circuit Court of Martinsville.

This Notice of Appeal was respectfully filed with this honorable Court, this the 21<sup>st</sup> day of December, 2018.

Since ineffective assistance of counsel may be an issue in this Appeal, Defendant requests appointment of new counsel to assist in this appeal to prevent any conflicts of interest.

Brian D. Hill  
signed

Brian David Hill  
Martinsville City Jail

U.S.W.G.O.  
JusticeForUSWGO.wordpress.com

P.O. Box 1326, Martinsville, VA 24114

. For Clerk of honorable Court

Martinsville General District Court  
Commonwealth of Virginia

Commonwealth of Virginia,  
Plaintiff,

Case no. C18-3138

V.

Notice of Appeal

Brian David Hill,  
Defendant,

Notice of Appeal

Criminal Defendant Brian David Hill hereby files this Notice of Appeal, appealing the Judgment of this honorable Court that was entered on December 21, 2018. The Defendant appeals the Judgment of guilty in this case. The Defendant appeals this decision to the Circuit Court of Martinsville.

This Notice of Appeal was respectfully filed with this honorable Court, this the 21<sup>st</sup> day of December, 2018.

Since ineffective assistance of counsel may be an issue in this Appeal, Defendant requests appointment of new counsel to assist in this appeal to prevent any conflicts of interest.

Brian D. Hill  
signed

U.S.W.G.O.  
JusticeForUSWGO.wordpress.com

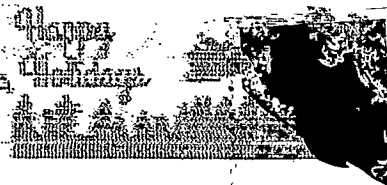
Brian David Hill  
Martinsville City Jail  
P.O. Box 1326, Martinsville, VA 24114

↓  
For Corrupt Commonwealth Attorney

Drain The Swamp

Brian David Hill #302165  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24114

GREENSBORO NC 274  
PIEDMONT TRIAD AREA  
27 DEC 2018 PM 6 1



Forever USA

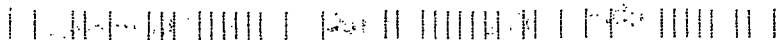
ATTN: Clerk of the Court  
Martinsville General District Court  
P.O. Box 1402  
Martinsville, VA 24114

24114-140202



51  
LEGAL MAIL

THE MARTINSVILLE CITY JAIL HAS  
NEITHER CENSORED NOR INSPECTED  
THIS ITEM, THEREFORE, THE JAIL  
DOES NOT ASSUME RESPONSIBILITY  
FOR ITS CONTENT.





VIRGINIA'S JUDICIAL SYSTEM

Request for Accommodation under the Americans with Disabilities Act

Date: 01/02/2019

PLEASE PRINT:

Person requesting accommodation: Brian David Hill

Address: 310 Forest St, Apt. 2, Martinsville VA 24112

Daytime phone number: 276-790-3505 E-mail: Caretaker: rbhill67@yahoo.com

Type of accommodation requested: (please be specific) Insulin with me during transport and at trial. Glucose tablets. Medic or nurse present during trial. REACH/Piedmont Community Services/Preston Page be allowed present at trial. That I be questioned differently due to Autism.

LCSW  
LSATP

Nature of disability: Type 1 brittle Diabetes, Autism Spectrum Disorder

Date accommodation is needed January 28, 2019

Location where accommodation is needed (i.e. courtroom, office) Courtroom, during transport

- ☐ Supreme Court ☒ Court of Appeals ☒ Circuit Court ☐ General District Court  
☐ Juvenile & Domestic Relations District Court ☐ Other \_\_\_\_\_

Is this accommodation related to a pending case?

☒ Yes If yes, then please file the request with the clerk of the court where the case is pending, along with any additional materials that the court may require. If the proceeding is before a magistrate or special justice, then your request should be addressed to the attention of the magistrate or special justice.

Case: Indecent exposure

Case type: Criminal

Case number: C18-3138

Court date: January 28, 2019

☐ No If no, then please send the request to

ADA Coordinator  
Department of Human Resources  
Office of the Executive Secretary  
Supreme Court of Virginia  
100 N. 9th Street  
Richmond, Virginia 23219  
Fax: 804-786-0109  
Email: [ADACoordinator@vacourts.gov](mailto:ADACoordinator@vacourts.gov)

My family members Roberta Hill  
[rbhill67@yahoo.com](mailto:rbhill67@yahoo.com), and grandparents  
can email you additional materials  
including Dennis Debbaudt's white paper.

Please sign to verify the foregoing is accurate:

Brian D. Hill

Signed: 01/10/2019 04:05 PM

Please print your name: Brian David Hill

Office Use Only:

Accommodation: ☐ Granted ☐ Denied

Notification date:

Comments: \_\_\_\_\_

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

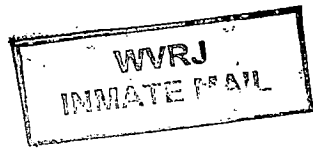
Jenny C. Capri  
TELEPHONE: 001-800-200-1000

1-10-18 kw

Brian David Hill #00-21123

Western Virginia Regional Jail  
5885 W. River Rd  
SALEM VA 24153

Clerk of the Court  
Martinsville Circuit Court  
P.O. Box 1206  
Martinsville, VA 24114-1206

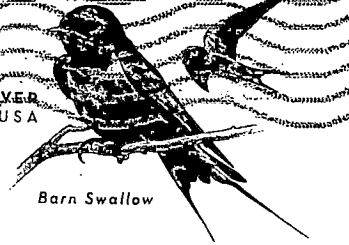


GREENSBORO NC 274

PIEDMONT TRIAD AREA

03 JAN 2018 PM 7 L

FOREVER  
USA



Barn Swallow

24114-120606

LEGAL MAIL 54

TD 12/21/19



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT



# Legal Authorization

I authorize Roberta Hill (rbhill67@yahoo.com, 276-790-3505, 276-224-7373), Stella and Kenneth Forinash (Kenstella2007@yahoo.com, 276-224-4527, 276-632-2599) to email, fax, mail any and all materials regarding my disability of Autism Spectrum Disorder and Type 1 brittle Diabetes to the Clerk of the Martinsville Circuit Court on my behalf as additional materials attached to my "Virginia's Judicial System", "Request for Accommodation under the Americans with Disabilities Act", on the date of "01/02/2019".

Americans with Disabilities Act Public Law 101-336, July 26, 1990  
104 Stat. 327, Chapter 126 (§12101 et seq) of Title 42.

I authorize Roberta Hill (my caretaker), Stella Forinash (relative), and Kenneth Forinash (step-grandfather) to act as Power-of-Attorneys over this matter concerning my request for Accommodation under the Americans with disabilities Act, for case no. C18-3138, and Court date: Jan 28, 2019.

This the 2nd day of January, 2019.

Brian D. Hill  
Signed

Signed and Executed by

Permanent:  
310 Forest Street, Apartment 2  
Martinsville, VA 24112

Temp. Brian David Hill  
#00-21123  
Western Virginia Regional Jail  
5885 West River Road  
Salem, VA 24153

JusticeForUSWGD.wordpress.com  
11C1115-17

# Legal Authorization

I authorize Roberta Hill (rbhill67@yahoo.com, 276-790-3505, 276-224-7373), Stella and Kenneth Forinash (Kenstella2007@yahoo.com, 276-224-4527, 276-632-2599) to email, fax, mail any and all materials regarding my "disability of Autism Spectrum Disorder and Type 1 brittle Diabetes" to the Clerk of the Martinsville Circuit Court on my behalf as additional materials attached to my "Virginia's Judicial System", "Request for Accommodation under the Americans with Disabilities Act", on the date of "01/02/2019".

Americans with Disabilities Act Public Law 101-336 July 26 1990  
104 Stat. 327 Chapter 126 (§12101 et seq.) of Title '42'

I authorize Roberta Hill (my caretaker), Stella Forinash (relative), and Kenneth Forinash (step-grandfather) to act as Power-of-Attorneys over this matter concerning my request for Accommodation under the Americans with disabilities Act, for case no. C18-3138, and Court date: Jan. 28, 2019.

This the 2nd day of January, 2019.

Brian D. Hill

Signed

Signed and Executed by

Brian David Hill  
#00-21123

Western Virginia Regional Jail  
5885 West River Road  
Salem, VA 24153

57

Permanent:  
310 Forest Street Apartment 2  
Martinsville, VA 24112

Temp.

JusticeForUSNGO.wordpress.com  
P.O. BOX 1000

# LIST OF ALLOWANCES

Commonwealth of Virginia

VENDOR INVOICE NO.

8771317

VENDOR REFERENCE

(MAXIMUM 23 CHARACTERS)

MARTINSVILLE

CITY OR COUNTY

VENDOR F.I.N. OR SOCIAL SECURITY NUMBER

REBECCA K. LOCHER P.D.

PAY TO THE ORDER OF: FIRM, CO., INDIVIDUAL

22 MONTGOMERY ST.

ADDRESS

RADFORD, VA 24141-4415

CITY, STATE, ZIP

[X] General District Court [ ] Traffic [X] Criminal

[ ] Juvenile & Domestic Relations District Court [ ] Circuit Court

## CERTIFICATE OF ALLOWANCE FOR PAYMENT

Having reviewed this account and determined that the form is properly completed and the account unpaid, I hereby certify this account to the Supreme Court of Virginia for payment.

Danna Allen 2/19/19

CLERK/DEPUTY CLERK

DATE

Defendant's Name <b>BRIAN DAVID HILL</b>	Case Number <b>66-13003-3800</b>	Original Code § Charged <b>13-12/18.2-387</b>	Chart of Allowances Code § <b>19.2-175(3)</b>
Trial/Service Date: <b>11/26/18</b>	Specify case type: <b>X Adult</b> <input type="checkbox"/> Juvenile	For district court felony, was case certified? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
For adult criminal and juvenile delinquency cases, specify offense type or equivalent: <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony (Class 1) <input type="checkbox"/> Felony (Class 2) <input type="checkbox"/> Felony (Class 3-6) <input type="checkbox"/> Felony (unclass., punish. by more than 20 yrs.) <input type="checkbox"/> Felony (unclass., punish. by 20 yrs. or less)		For other juvenile ct. cases, specify type of representation and client: <b>OR</b> Appeal from juvenile court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Disposition: <input type="checkbox"/> Guilty/Delinq. <input type="checkbox"/> Not Guilty/Not Delinq. <input type="checkbox"/> Nolle Pros. <input type="checkbox"/> Defer/Dismiss <input type="checkbox"/> Dismissed <input type="checkbox"/> Other			
Itemize expenses (include receipt for any over \$20):		<b>Court Use Only - Amount Allowed:</b>	
Calculate total time spent for charge: Fee amount claimed (not to exceed cap): \$		Fee amount: \$	
In Court time: <input type="checkbox"/> Hrs. <input type="checkbox"/> Min. \$		Expenses: \$	
Out of Court time: <input type="checkbox"/> Hrs. <input type="checkbox"/> Min. \$ <b>750.00</b>		Waiver amount: \$	
Total: \$ <b>750.00</b>		Total amount claimed: \$ <b>750.00</b>	
Total: \$ <b>750.00</b>		Total: \$ <b>750.00</b>	

Defendant's Name	Case Number	Original Code § Charged	Chart of Allowances Code §
Trial/Service Date: / /	Specify case type: <input type="checkbox"/> Adult <input type="checkbox"/> Juvenile	For district court felony, was case certified? <input type="checkbox"/> Yes <input type="checkbox"/> No	
For adult criminal and juvenile delinquency cases, specify offense type or equivalent: <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony (Class 1) <input type="checkbox"/> Felony (Class 2) <input type="checkbox"/> Felony (Class 3-6) <input type="checkbox"/> Felony (unclass., punish. by more than 20 yrs.) <input type="checkbox"/> Felony (unclass., punish. by 20 yrs. or less)		For other juvenile ct. cases, specify type of representation and client: <b>OR</b> Appeal from juvenile court? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Disposition: <input type="checkbox"/> Guilty/Delinq. <input type="checkbox"/> Not Guilty/Not Delinq. <input type="checkbox"/> Nolle Pros. <input type="checkbox"/> Defer/Dismiss <input type="checkbox"/> Dismissed <input type="checkbox"/> Other			
Itemize expenses (include receipt for any over \$20):		<b>Court Use Only - Amount Allowed:</b>	
Calculate total time spent for charge: Fee amount claimed (not to exceed cap): \$		Fee amount: \$	
In Court time: <input type="checkbox"/> Hrs. <input type="checkbox"/> Min. \$		Expenses: \$	
Out of Court time: <input type="checkbox"/> Hrs. <input type="checkbox"/> Min. \$		Waiver amount: \$	
Total: \$		Total amount claimed: \$	
Total: \$		Total: \$	

I certify that the above claim for fees and/or expenses is true and accurate the time or services set forth has previously been received.

☐ I was appointed and served as co-counsel in the above cases.

Rebecca K. Locher P.D. 2/25/2019

VENDOR'S SIGNATURE

DATE

VSb MEMBER NUMBER

**COUNT  
RTIFIED  
FOR**

**PAYMENT \$750.00**

I have reviewed the foregoing information and authorize the amount allowed to the vendor named above.

LAURENCE D. G-TT

JUDGE

DATE

3/1/19

Voucher #

(OES USE ONLY)

CHIEF JUDGE

DATE

(Chief Judge's signature required when fee for additional waiver is allowed per Form DC-40(A))

## INSTRUCTIONS

This form is to be used to recover fees and other allowable expenses incurred by court-appointed counsel, guardians *ad litem*, expert witnesses, court reporters, mediators, and others authorized by the court.

**Vendor Invoice Number** – This number, shown in red on the front of this form, will be on the check stub when payment is made.

**“Vendor Reference” field** – You may include a personal Vendor Reference of not more than 23 characters, which will be printed on the check stub. Do not use any characters other than numbers or letters.

You will not receive a copy of this form with the check. Retain vendor copy of this LIST OF ALLOWANCES for reference.

**“Case Number” field** – Include complete twelve-character alphanumeric court case number (i.e., JA0000060100 or GT0200000100).

### COURT-APPOINTED COUNSEL

To receive compensation for representation of an indigent person pursuant to Code § 19.2-163, a detailed accounting of the time expended for the representation must be submitted to the court within 30 days of the completion of all proceedings in that court. To comply with this requirement, please submit this form and, where appropriate, attach an Attorney Time Sheet. If co-counsel (more than one attorney) is appointed to represent a defendant at the same time in a non-capital case, then co-counsel shall share the statutory fee, supplemental statutory waiver amount, and fee for additional waiver permitted for one attorney.

**“Trial/Service Date” field** – The date the case was concluded in the court having authority to certify the account for payment.

**“In Court” and “Out of Court” time fields** – Time spent for each charge must be listed separately.

The total amount allowed for each charge is the sum of the fee amount, expenses and any waiver amount allowed. The fee amount is the total of In Court time and Out of Court time up to the statutory fee cap. Itemization must accompany all expenses claimed, and receipts are required for each expense over twenty dollars. The “Total amount claimed” for each charge is the sum of the fee amount claimed, expenses and any waiver amount requested.

**Requests For Waiver** – Any court-appointed attorney seeking a waiver of the statutory fee amount must complete an APPLICATION FOR AND APPROVAL OF WAIVER OF FEE CAP (Form DC-40(A)) for each charge and present it to the court with this form.

**“Waiver amount requested” field** – Use when a waiver of the statutory fee amount has been requested. The total waiver amount requested for the charge on the Form DC-40(A) should be listed.

### JUVENILE AND DOMESTIC RELATIONS DISTRICT COURTS: NON-CRIMINAL AND NON-DELINQUENCY CASES

Court appointment for:	Type of Representation and Client	Type of Case	Insert in “Original Code § Charged” field	Insert in “Chart of Allowances code §” field
Juvenile	CAC-J	CHINS	§ 16.1-266(B)	§ 16.1-267
Juvenile	GAL-J	Abuse and Neglect	§ 16.1-266(A)	§ 16.1-267
Parent, Other Guardian	CAC-M, F or O	Abuse and Neglect - Civil	§ 16.1-266(D)	§ 19.2-163
Parent, Guardian, Other Adult incarcerated, mental illness or intellectual disability (DC-514 order)	GAL-M, F or O	Civil cases: Abuse and Neglect; Termination of Parental Rights; Entrustment; Relief of Custody	§ 16.1-266(E) depending on circumstances	§ 19.2-163
Juvenile	GAL-J	Entrustment; Termination of Parental rights; Relief of Custody	§ 16.1-266(A)	§ 16.1-267
Juvenile, Parent, Guardian	GAL-J, M, F or O CAC-J, M, F or O	All other cases	§ 16.1-266(E) or § 16.1-266(F)	§ 16.1-267 or § 19.2-163

**“Representation and client type” field ( \_\_\_\_ - \_\_\_\_ )** – Use when vendor is a guardian *ad litem* or court-appointed counsel in a non-criminal and non-delinquency case from juvenile court. Specify “G A L” if guardian *ad litem* or “C A C” if court-appointed counsel. Specify who was being represented: “J” (for Juvenile), “M” (for Mother), “F” (for Father) or “O” (for other Adult or Guardian) (e.g., a guardian *ad litem* appointed to represent a juvenile should specify “G A L - J”).

### ALL COURTS

Service Provider	Insert in “Original Code § Charged” field	Insert in “Chart of Allowances code §”
Court-appointed counsel for Delinquency Case	Insert applicable charge cite(s)	§ 16.1-267
Court-appointed counsel for Adult Defendant	Insert applicable charge cite(s)	§ 19.2-163
Blood Withdrawal	Applicable criminal cite	§ 18.2-268.8

For those allowances not listed above, please refer to the CHART OF ALLOWANCES for the appropriate code section to insert. The CHART OF ALLOWANCES may be found online at [www.courts.state.va.us](http://www.courts.state.va.us).

**“VSB Member Number” field** – For any attorney seeking compensation as a guardian *ad litem* or as court-appointed counsel, your Virginia State Bar member number is a required field.

**TIME FOR PAYMENT** – This LIST OF ALLOWANCES should be processed within 30 days of the local court certifying the amount for payment and submitting it to the Office of the Executive Secretary of the Supreme Court of Virginia. Payment will be mailed unless the vendor has enrolled in the direct deposit service available at [http://www.doa.virginia.gov/General\\_Accounting/EDI/EDI\\_Main.cfm](http://www.doa.virginia.gov/General_Accounting/EDI/EDI_Main.cfm). The amount paid pursuant to this document will be reported to the IRS, where applicable, using the referenced vendor F.I.N. or social security number and name. A matching Form W-9 must be on file prior to payment.

LAST NAME		FIRST		MIDDLE		SUFFIX		OCA		F.B.I. NUMBER		S.I.D. NUMBER							
HILL, BRIAN DAVID																			
ALIAS AND/OR NICKNAME								PLACE OF BIRTH (CITY-COUNTY)				STATE		CNTRY		COC		IIN	
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310 FORREST STREET						MARTINSVILLE			VA			24112			690-FIPS 115-MARTINSVILLE				
INDECENT EXPOSURE														ORIGINAL DISPOSITION WHEN COMPLETED, MAIL TO:  VIRGINIA STATE POLICE RECORDS MANAGEMENT DIVISION CENTRAL CRIMINAL RECORDS EXCHANGE P.O. BOX 27472 RICHMOND, VA 23261-7472					
18.2-387																			
OBS-3713-01																			
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CASE NUMBER						INITIAL COURT DATE			CASE NUMBER						DATE OF FILING				
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DATE OF FINAL DISPOSITION:														DATE OF FINAL DISPOSITION:					



OTN:690GM1800003560

S.P.-222 06-14-05



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SEALED

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SEALED

SEALED

SEALED

SEALED

In The Circuit Court of Martinsville  
For The Commonwealth of Virginia

Commonwealth of Virginia,  
Plaintiff,

Case no.  
C18-3138

V.

Brian David Hill,  
Defendant,

Motion to Admit  
Evidence before trial

Motion to Admit Evidence before Trial

Criminal Defendant Brian David Hill respectfully files this Motion with the Martinsville Circuit Court to Admit Evidence in this case prior to the trial date of January 28, 2019.

The evidence is one (1) General Affidavit by witness Brian David Hill, and a handwritten copy for the Commonwealth Attorney, all to be submitted to this case of this Court.

Brian David Hill is willing to comply with his Constitutional obligations to this Court by testifying orally at his trial and be cross examined under the Confrontation clause of the U.S. Constitution.

Respectfully filed with the Court, this the 8<sup>th</sup> day of January, 2019.

Brian D. Hill  
Signed

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 01/23/2019 @12:03:01

TESTE: ---CLERK/DEPUTY-CLERK---

Brian David Hill #00-21123  
Western V.A. Regional Jail  
5885 West River Road  
Salem, VA 24153

68

JusticeForUSWGO.wordpress.com

Copy provided for Comm Atty by DCH  
Copies out in CA Box.

# General Affidavit

As a resident of Martinsville within the Commonwealth of Virginia (temporarily Western Virginia Regional Jail) Brian David Hill personally approached me, the undersigned Notary, made his/her sworn testimony in a General Affidavit, that the following statement is completely factual and true to the best of his/her belief and knowledge.

## Statement:

I am Brian David Hill, I have Autism Spectrum Disorder, Obsessive Compulsive Disorder, and Type 1 brittle Diabetes. Prior to my incarceration at Western Virginia Regional Jail (current) and Martinsville City Jail (prior) I had lived at 310 Forest Street Apt. 2, Martinsville, VA 24114 24112. I am a victim of crime. My Autism can cause me to give misleading statements and body language/gestures. On the night of September 20, 2018. I had walked to the area around Downtown Martinsville, a big warehouse beside a road and the Dick and Willie hiking trail. It was around 11:00PM to 12:00 midnight, between that time span. A man wearing a dark hoodie was there, had me to go over to the trees, told me that I will get naked in public, walk on the Dick and Willie trail, find a spot to take pictures of myself then place the camera or SD card at the bench

cont.

after Southern Finishing factory. He also said that if I do not do this, "they" will kill my "mother Roberta Hill". Then said "Do you understand?" and I said "yes, I will do it please don't kill my mother". Last thing he said was "go and do it or else". He was between 5ft to 6ft slim, maybe 160lbs, sounded like a white guy, wore a hard mask, dark clothing.

I am submitting this testimony under oath to the Martinsville Circuit Court at 55 West Church Street, criminal case no. C18-3138, in the Commonwealth of Virginia.

Brian D. Hill  
signed

Affiant signature

County of Roanoke, Commonwealth of Virginia  
The foregoing instrument was subscribed and sworn before me this 8 day of January  
by Brian D. Hill  
(name of person seeking acknowledgement)  
Notary Public  
My commission expires: 8/31/22

5885 West River Road

Salem, VA 24153

Brian David Hill

Affiant name

Affiant Address

January 8, 2019

Date signed

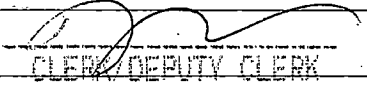
Sworn and subscribed to  
before me on this day of  
2019.

JOHN D. MASTRANGELO  
NOTARY PUBLIC  
REGISTRATION # 7725720  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
AUGUST 31, 2022

JOHN D. MASTRANGELO  
NOTARY PUBLIC  
REGISTRATION # 7725720  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
AUGUST 31, 2022

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 01/23/2019 13:29:55

TESTE:   
CLERK/DEPUTY CLERK

CLERK OF CIRCUIT COURT  
JONATHAN L. BROWN  
NOTARY PUBLIC  
REGISTRATION EXPIRES  
AUGUST 1, 2020  
MY COMMISSION EXPIRES  
AUGUST 1, 2020

CLERK OF CIRCUIT COURT  
JONATHAN L. BROWN  
NOTARY PUBLIC  
REGISTRATION EXPIRES  
AUGUST 1, 2020  
MY COMMISSION EXPIRES  
AUGUST 1, 2020

Brian David Hill #00-21123  
c/o Smart Communications -  
Western Virginia Regional Jail  
8735 Franklin Road SW #275  
Roanoke, VA 24014-2260

GREENSBORO NC 274  
FREDMONT TREAD AREA  
09 JAN 2019 PM 3 L



Hon. Clerk of the Court  
Martinsville Circuit Court  
P.O. Box 1206  
Martinsville, Virginia 24114-1206

WVRJ  
INMATE MAIL

LEGAL MAIL

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

COMMONWEALTH OF VIRGINIA,	}	
	}	RESPONSE TO DEFENDANT'S
	}	MOTION FOR DISCOVERY
	}	
VS:	}	AND
	}	
	}	
	}	MOTION FOR RECIPROCAL
BRIAN DAVID HILL,	}	DISCOVERY
	}	
	}	CR19-009

TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW** the Commonwealth of Virginia by its Commonwealth's Attorney and in response to the Defendant's Motion for Discovery states as follows:

The Commonwealth has no objection to the inspection and copying or photographing by the counsel for the Defendant of those materials specified in Rule 3A:11 of the Rules of the Supreme Court of Virginia, namely:

- 1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, and the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the Attorney for the Commonwealth, and any relevant written reports of autopsies, ballistic tests, fingerprint analysis, blood, urine and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody or control of the Commonwealth, and

MARTINSVILLE  
COMMONWEALTH'S  
ATTORNEY

55 WEST CHURCH STREET  
P.O. Box 1311  
MARTINSVILLE, VA 24114

276-403-5470 (PHONE)  
276-403-5478 (FAX)

G. ANDREW HALL  
VSB #71048

PAULA A. BOWEN  
VSB #72081

ALBERTO Z. HERRERO  
VSB #38159

DANIEL P. MOOK  
VSB #84231

- 2) All of the specifically designated books, papers, documents, tangible objects, buildings or places, or copies or portions thereof, that are within the possession, custody, or control of the Commonwealth, requested by the Defendant.

The Commonwealth requests that the Court require that the inspection and copying or photographing take place at the office of the Commonwealth's Attorney at 55 West Church Street, Martinsville, Virginia, or at some other mutually agreeable location by appointment or at any time during regular business hours.

The Commonwealth moves the Court to require the Defendant not less than ten days before trial to provide reciprocal discovery in accordance with Rule 3A:11(c), namely:

- 1) The Defendant shall permit the Commonwealth, not less than ten days before the trial or sentencing, as the case may be, to inspect, copy and photograph any written reports of autopsy examinations, ballistic tests, fingerprint, blood, urine and breath analyses, and other scientific tests that may be within the Defendant's possession, custody or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing, and
- 2) The Defendant shall disclose whether he or she intends to introduce evidence to establish an alibi and, if so, the Defendant shall disclose the place at which he or she claims to have been at the time of the commission of the alleged offense, and
- 3) If the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to

MARTINSVILLE  
COMMONWEALTH'S  
ATTORNEY

55 WEST CHURCH STREET  
P.O. Box 1311  
MARTINSVILLE, VA 24114

276-403-5470 (PHONE)  
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G. ANDREW HALL  
VSB #71048

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VSB #72081


ALBERTO Z. HERRERO  
VSB #38159

DANIEL P. MOOK  
VSB #84231

inspect, copy or photograph any written reports of any physical or mental examination of the Defendant made in connection with this particular case.

Respectfully moved,

COMMONWEALTH OF VIRGINIA

By:   
Asst. Commonwealth's Attorney  
City of Martinsville, Virginia

CERTIFICATE

I hereby certify that a copy of the foregoing response was faxed/mailed/delivered to Scott Albrecht, counsel for defendant, P.O. Drawer 31, Martinsville, Virginia 24112, in the above styled case, on this the 6th day of February, 2019.

  
Asst. Commonwealth's Attorney

MARTINSVILLE  
COMMONWEALTH'S  
ATTORNEY

55 WEST CHURCH STREET  
P.O. Box 1311  
MARTINSVILLE, VA 24114

276-403-5470 (PHONE)  
276-403-5478 (FAX)

G. ANDREW HALL  
VSB #71048


PAULA A. BOWEN  
VSB #72081

ALBERTO Z. HERRERO  
VSB #38159

DANIEL P. MOOK  
VSB #84231

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 02/06/2019 @15:25:56

TESTE:   
CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
Plaintiff

vs.

CR19-009

BRIAN DAVID HILL,  
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 6<sup>th</sup> day of February, 2019.

  
Judge

I ASK FOR THIS:



Scott Albrecht (VSB #88411)  
Office of the Public Defender  
P. O. Drawer 31  
Martinsville, VA 24114  
276-666-2206  
276-666-8929 (fax)  
salbrecht@mar.idc.virginia.gov

SEEN:

  
Counsel for the Commonwealth

In The Circuit Court of Martinsville  
For The Commonwealth of Virginia

Commonwealth of Virginia,  
Plaintiff,

v.

Brian David Hill,  
Defendant,

Case no. C18-3138  
CR9-009

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 04/08/2019 @11:38:03

TESTE: <sup>CLK</sup>  
~~Motion to file Evidence/Photos~~  
before Trial

Motion to file Evidence/Photos before Trial

Criminal Defendant Brian David Hill ("Brian", "Hill") hereby files photos/photographs as evidence in this case, requesting that they be admitted as evidence in this Court case before the bench trial scheduled in April, 2019. Photos were taken in March, 2019, by Roberta Hill (witness), and document the damage in Brian Hill's Apartment as the cause was carbon monoxide due to the gas. Hill was exposed to the carbon monoxide for days, weeks, maybe even months prior to Hill's arrest on September 21, 2018. A 4-page letter, a photocopy of what was mailed to psychologist Dr. Dawn Graney (dated March 21, 2019) shall also be filed as evidence along with the six (6) photographs in this case. Carbon monoxide poisoning can damage not just the home but can damage the brain and effect the brain. Imagine carbon monoxide affecting Hill's brain while Hill has Autism Spectrum Disorder which is a neurological brain disability.

Copy provided for CA by def 1  
Placed in CA mail box

made copy for PD and  
Placed in PD box 79

The four (4) page letter makes a good explanation about how Hill was exposed to carbon monoxide as caused by the natural gas due to the holes/flumes in the fireplace being blocked.

Again, Hill exhibits a behavior on September, 21st, 2018, that Hill never exhibited before. Hill never masturbated at all in public. The Commonwealth Attorney even admitted verbally/orally during the first trial on December 21st, 2018 that Hill was not charged with obscenity that Hill was not being ~~obse~~ obscene in public from what the Commonwealth had claimed.

Under the arguments made in case laws of A.M. v. Commonwealth (Alexandria), Kenneth Sameiel Moses v. Commonwealth (Salem), and Kimberly F. Neice v. Commonwealth (Teleconference), one cannot be guilty of indecent exposure unless the person was aroused in public aka intending to make an obscene display for the purpose of sexual gratification (a sex offense).

Hill, at the time Sgt. R. D. Jones had found Mr. Hill, was under the influence of carbon monoxide poisoning exposure in his own living residence aka his home. The photos further document and prove this fact. The psychologist in November, 2018, who mentally evaluated Mr. Hill was not made aware of the carbon monoxide exposure; and neither was Hill made aware until March, 2019.

It is clear that Hill was innocent legally and factually of

indecent exposure. Hill is a victim of crime and carbon monoxide. Hill should not be convicted of indecent exposure as doing such would be wrongful under the facts and circumstances of this case. The case law in three different Appellate circuits in the Commonwealth of Virginia are in Hill's favor and for good reason.

Please find Brian David Hill innocent of his charge of indecent exposure that was on September 21st, 2018.  
Thank You, all due respects.

Respectfully filed with the Court, this the 2nd day of April, 2019.

Respectfully submitted,  
Brian David Hill (Pro Se)

Brian D. Hill  
signed

#29947-057

Federal Correctional Institution<sup>1</sup>  
Old N.C. Hwy 75/P.O. Box 1000  
Butner, N.C. 27509

Stanley's blog: [JusticeForUSNGO.wordpress.com](http://JusticeForUSNGO.wordpress.com)

Drain The Swamp  
Make America Great Again

Ranon

# Certificate of Service

Brian David Hill hereby certifies that the foregoing pleading (plus six photos and 4-page letter evidence) has been placed inside an envelope, postage prepaid under certified mail tracking no. 7018-1130-0000-8938-9923, deposited at the Mail Room at the FCI<sup>1</sup> Butner institution, and directed to the Clerk of the Martinsville Circuit Court. Copy made for the Commonwealth Attorney. Since Brian Hill proceeds In Forma Pauperis, he requests that the Clerk serve the pre-copied pleading and attached evidence with the Commonwealth Attorney. Thank You.

Note: Mistake, it was seven (7) photos not six

Respectfully submitted,

Brian D. Hill

Signed

Brian David Hill (Pro Se)

#29947-057

Federal Correctional Institution<sup>1</sup>

Old N.C. Hwy 75/P.O. Box 1000

Butner, N.C. 27509

Stanley's blog: [JusticeForUSNGO.wordpress.com](http://JusticeForUSNGO.wordpress.com)

Drain The Swamp

Make America Great Again

Qanon

March 21, 2019

201 Greyson St, Martinsville, VA 24112

Dr. Graney,

*(Brian's copy)*

We got a letter from Brian yesterday, and he asked us to send photos of the damage on the ceiling and walls around his fireplace in the living room of the apartment where he has been living since May, 2016. There was also white residue inside of his fireplace. The chimney expert who found the carbon monoxide damage said that this could be cleaned with detergent & water so Brian's mom has already cleaned that. It needed months to dry before repairs. There is a carpenter lined up to repair it around April 20<sup>th</sup>. It was the young son of the owner of the chimney company in Rocky Mount, VA who was sent to clean the fireplace (chimney sweep) and to put screen on all 3 holes to keep birds out of the fireplace; instead he put tin over all 3 holes including the hole for the natural gas heater and the gas water heater in the basement leaving no where for the gas and water steam to escape in October, 2017. None of us were aware that there was tin there and thought it was screen. This took care of the bird problem.

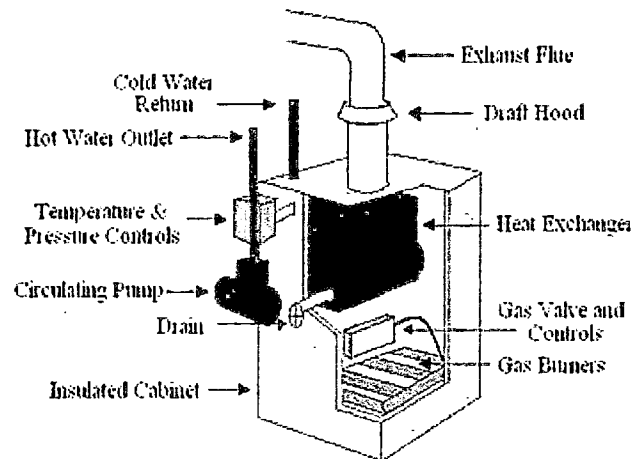
In December, 2017 or January, 2018 there was a snow storm, and that was when we noticed the damage in the ceiling of Brian's apartment but no damage in his mom's ceiling above her fireplace in her apartment. We thought it was odd that there were no problems until the chimney people came. It continued getting worse through the winter, so in the spring Roberta cocked the foundation around her porch because we thought it looked like a foundation problem, not a roof problem because there was no water damage on Roberta's ceiling. Brian's ceiling was below his mom's apartment. After this the problem got worse. Brian's OCD was getting worse too. He was having a diarrhea problem and was using the hot water 6 to 8 hours a day. This is a gas hot water heater with nowhere for the gas & steam to escape. It was escaping apparently through both fireplaces leaving damage in the ceiling in Brian's apartment below the brick (hearth) on the floor in front of Roberta's apartment and all along the walls below Roberta's fireplace into the walls beside of Brian's fireplace (both sides) and the top above the mirror. At the time, it just looked like rain water. We thought eventually half of the ceiling in

Brian's apartment would have water damage. Looking at the photos now, you can clearly see that it is from the gas heaters, not rain and just covered under the hearth of Roberta's fireplace above Brian's on his ceiling so both were effected but up in Roberta's apartment, you couldn't see the damage.

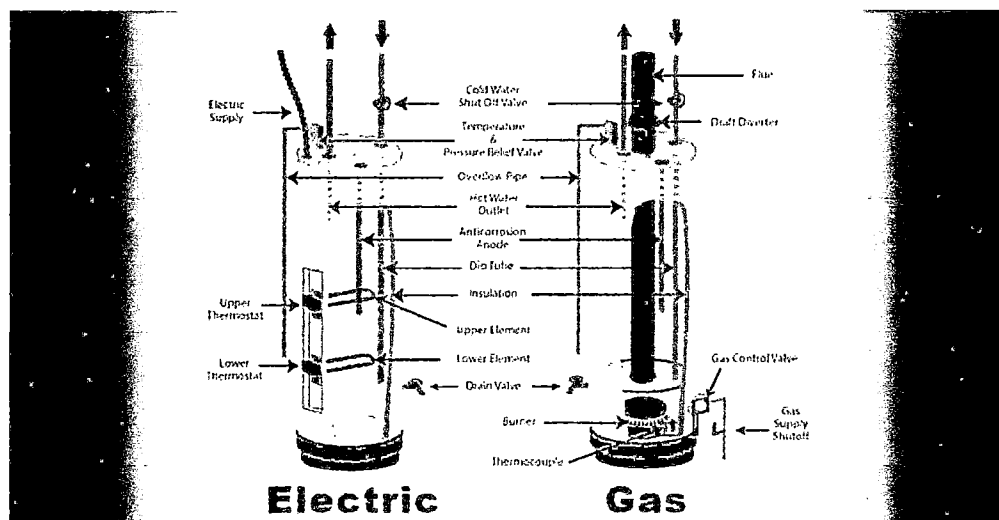
Both Roberta & Brian were complaining about not feeling well, being weak and very tired. We (Brian's grandparents) were moving from one house to another in Martinsville, VA during this time, and Roberta couldn't understand where we got our energy in our 70's when she & Brian were so tired. Roberta tried to help us from time to time with the move, but she couldn't hold out like we could. Both of us are disabled and elderly and are slow and took months for this move. She was always before this stronger than we were. Her head was shaking a lot. We thought it was stress from taking care of Brian and not being able to get much sleep or rest. Brian kept complaining that he couldn't think straight. The cats' personalities had changed, but yet none of us even thought that all of the moisture damage around the fireplace was damage from the moisture & natural gas required to run the natural gas boiler furnace downstairs and the natural gas hot water heater. Now that we know the facts, we all feel bad and guilty for what all has happened to Brian. It takes a long time in Martinsville, VA to locate carpenters and wait for prices and for them to do any work on homes. We also are glad that Brian no longer came back to his house in September, 2018 due to the fact that the carbon monoxide poisoning with the use of the heater through the winter and from the hot water heater was not discovered until January, 2019.

There were many threats due to Brian's fighting to get off from false federal charges. He was set-up with child porn on his computer in 2012, and he and his family have been putting proof in the court with his 2255 since November, 2017 of his innocence, and there have been strange things happening after this date, but then along with the threats (including death threats and threats of putting more child porn in Brian's email after he is released to keep him on the sex registry, sending threats in emails to Brian's family & attorneys and actually sending and bragging about it to Brian and other alternative news people and to Brian's friends after Brian appealed his case in 2015 and the hate cards and letter sent from Nashville, TN with no return address to Brian's mom after we filed the 2255 in Nov. 2017 from Dec. 2017 till May, 2018 and the fake 911 calls in July, 2018 & police coming to the house about the calls that they didn't make.

We wanted to include more information to go along with the photos. We have had natural gas heaters and don't know much about natural gas boiler heaters. Found some photos on the internet to show here of similar in their house.

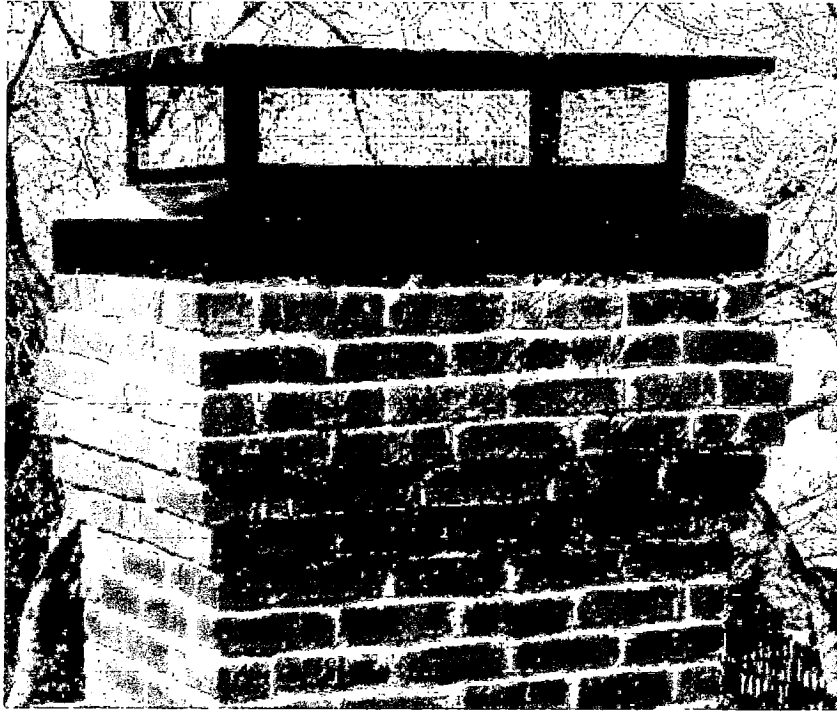


Gas Hot Water Boiler



(gas Boiler furnace & gas hot water heater).

You can now see what is on top of the chimney. The tin has been removed from the hole above the gas hot water boiler (furnace) and the gas hot water heater. The chimney guy from Basset, VA who has done this type of work for 25 years who took the tin off in Jan. 2019 and put the chimney cap on top of their chimney in Feb. 2019 had us to climb on the ladder and showed us what he saw. This is now what you can see from the road, and we now know that it is vented – not even screen on the top of the furnace & water heater venting hole.



This is a similar top photo from the Internet of the chimney cap that was put on the top of Roberta's & Brian's chimney covering all 3 holes with screen on the side.

We are including 7 photos Brian's mom, Roberta took last night (March 20, 2019) of the ceiling & walls showing damage around Brian's fireplace in his living room in his apartment.

Brian's grandparents,

Stella & Ken Forinash

Copy sent to Brian David Hill and 7 photos mailed to Brian.

Brian, Hand written descriptions on back of photos. Copies of these letters & photos in your legal container at home  
Letter to Brian (4 page follows) & 1 page  
article about autism in VA

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

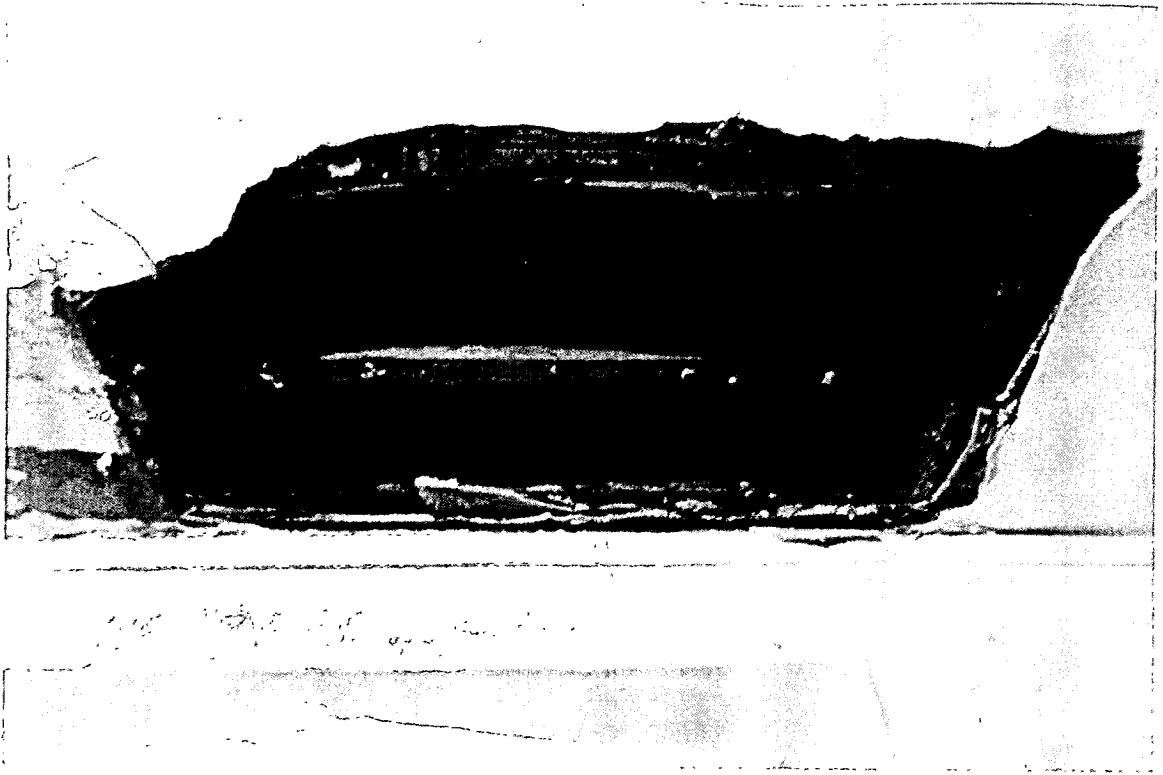
DATE: 04/08/2019 @11:39:09

ESTD: ~~CLERK~~  
CLERK/DEPUTY CLERK

Clerk of the  
Court to file  
Case no.  
C18-3138  
8pg 7photos



visit [usps.com/stamps](https://usps.com/stamps)



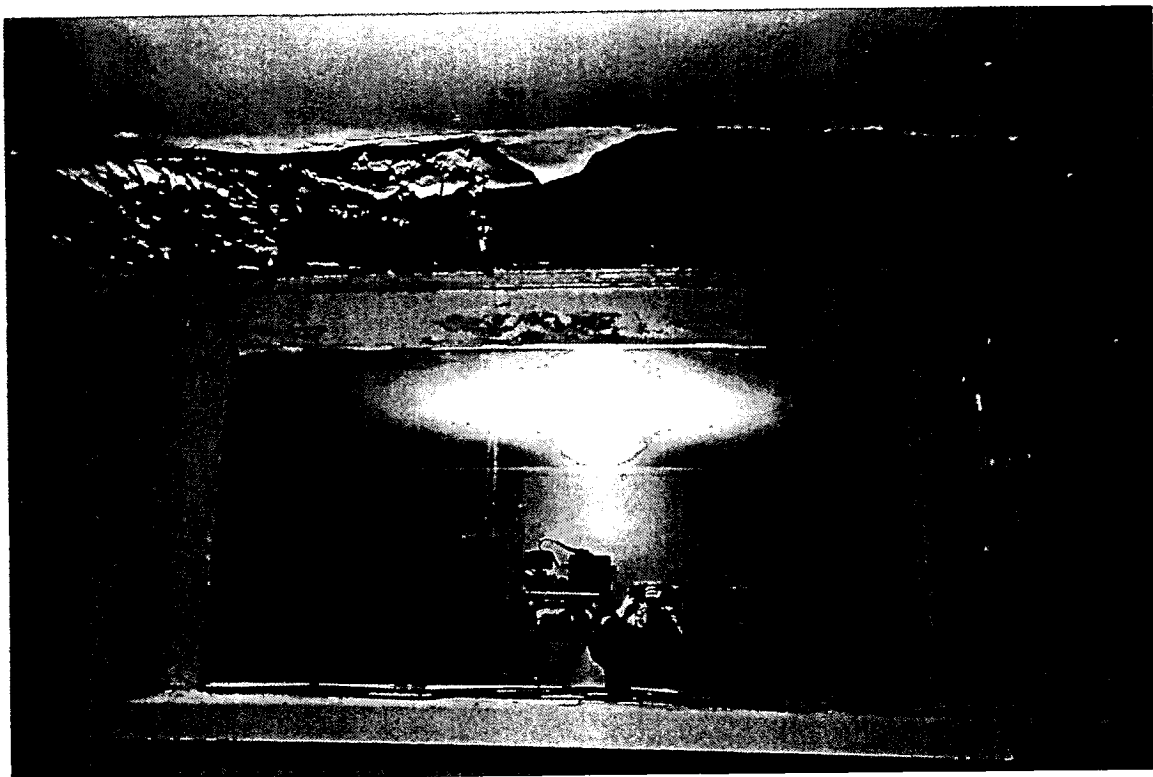
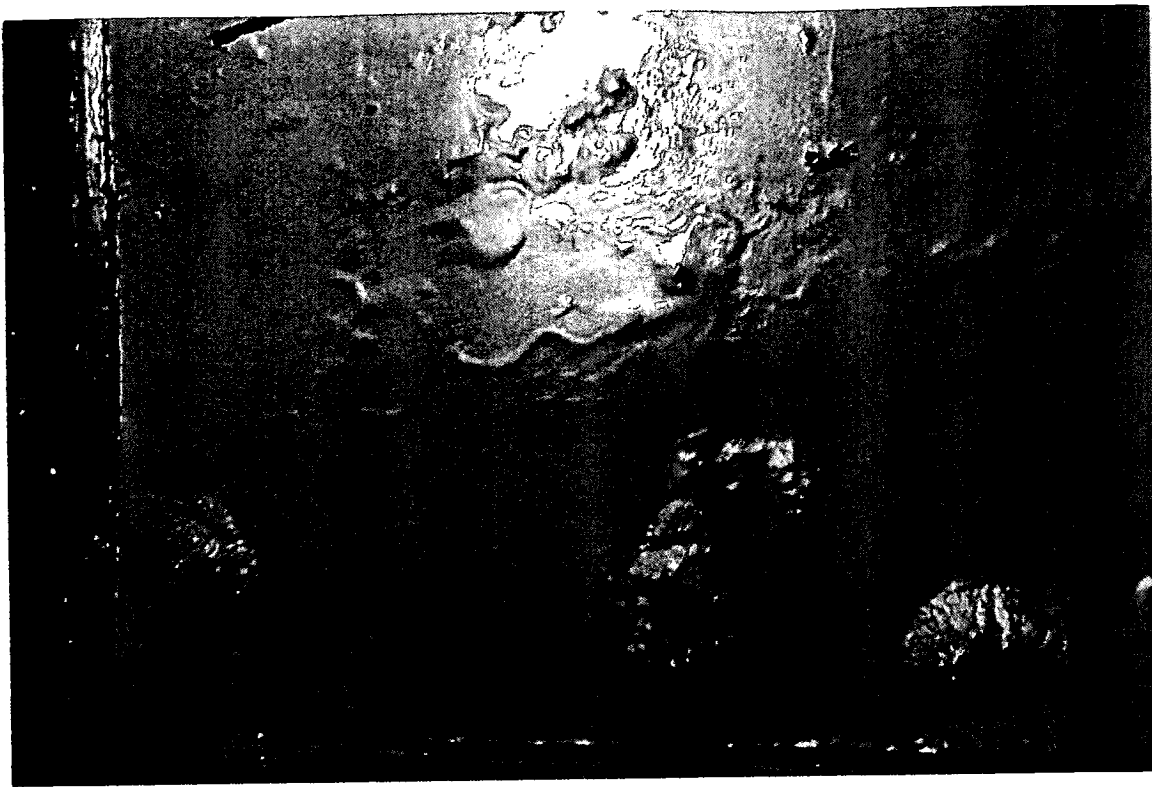
FIREPLACE IN BRIAN DAVID HILL'S  
APARTMENT 2 AT 310 FOREST ST  
MARTINSVILLE, VA IN HIS LIVING ROOM CEILING  
ABOVE HIS FIREPLACE AND BELOW THE HEARTH  
IN HIS MOM'S FIREPLACE ABOVE HIS.

DAMAGE FROM OCT 2017 UNTIL JAN 2019  
MOISTURE & GAS FROM GAS HOT WATER  
BOILER (KURNACE) AND GAS HOT WATER  
HEATER - BOTH IN BASEMENT (CARBON  
MONOXIDE POISONING)

PHOTO TAKEN BY ROBERTA HILL  
MARCH 20, 2019

damage on side wall  
of Brian's fireplace  
beside mirror

damage on side of  
Brian's fireplace  
beside mirror



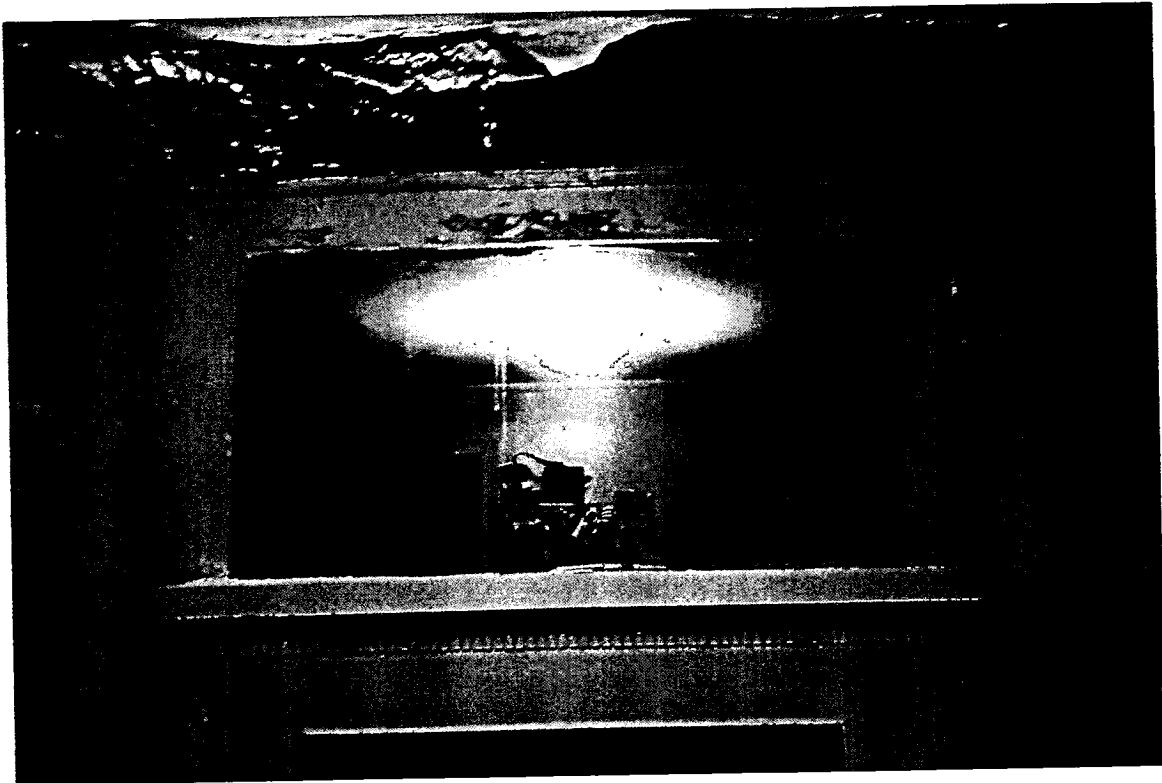
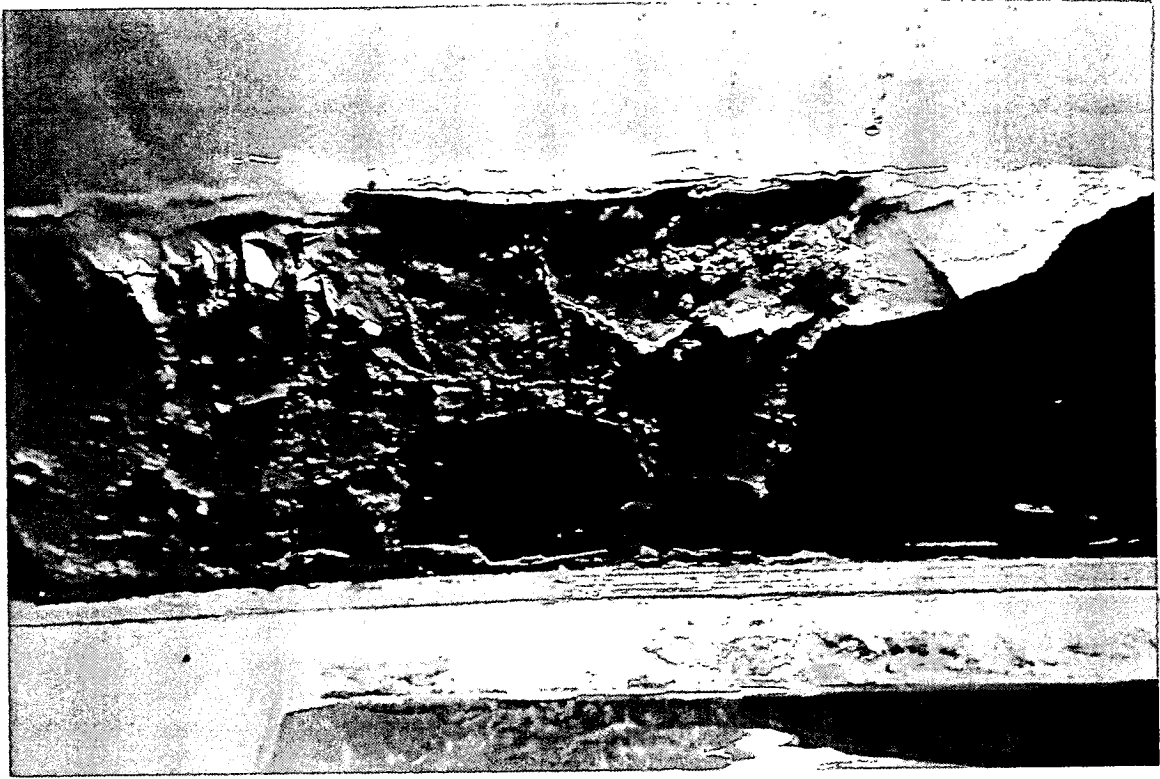
Damage on side wall of  
Brian's fire place

Fireplace in Brian David Hill's apartment 2  
at 810 Forest St in Martinsville, VA in  
his living room ceiling above his fireplace

Damage From Oct. 2017 until JAN. 2019

Top of Brian's fireplace - moisture &  
gas from gas hot water boiler (Furnace)  
and gas hot water heater, both in  
basement (Carbon monoxide poisoning)

Photo taken by Roberta Hill on  
March 20, 2019



Fire place in Brian David Hill's apartment 2  
at 310 Forest St, Martinsville, VA in  
his living room ceiling above his fireplace  
and below the hearth in his mom's  
fireplace above his.

Moisture & gas from gas hot water  
boiler (furnace) and gas hot water  
heater both in basement - carbon  
monoxide poisoning.

Photo taken by Roberta Hill on  
March 20, 2019

FIREPLACE IN BRIAN DAVID HILL'S APARTMENT 2  
AT 310 FOREST ST, MARTINSVILLE, VA IN HIS  
LIVING ROOM.

DAMAGE FROM OCT 2017 UNTIL JAN 2019

TOP OF BRIAN'S FIREPLACE - MOISTURE AND  
GAS FROM GAS HOT WATER BOILER (FURNACE)  
AND GAS HOT WATER HEATER - BOTH IN  
BASEMENT (CARBON MONOXIDE POISONING)

PHOTO TAKEN BY ROBERTA HILL ON  
MARCH 20, 2019

VIRGINIA:  
IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

_____	)	
COMMONWEALTH OF VIRGINIA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No. CR19000009-00
	)	
BRIAN DAVID HILL	)	
	)	
Defendant,	)	
	)	Motion to Request Earlier Trial date
_____	)	
	)	

Motion to Request Earlier Trial date

Criminal Defendant Brian David Hill (“Brian”, “Hill”) would like to request an earlier Trial date for this criminal case pursuant to the Speedy Trial clause of both the U.S. Constitution and Virginia Constitution and for good reasons as stated herein.

Because of Hill being detained under Federal Custody (criminal case no. 7:18-MJ-149, Western District of Virginia, citing Document #1; criminal case no. 1:13-cr-435-1, Middle District of North Carolina, United States District Court, citing Documents #156, #157, #158) Hill was unable to attend the Trial date set for 04/23/2019 due to the Federal mental evaluation. Therefore the trial date was rescheduled to July 15, 2019.

However on May 14, 2019 (criminal case no. 7:18-MJ-149, Western District of Virginia, citing Documents #25, #26) Hill was released on Federal bond conditions pending the outcome of this Commonwealth criminal case. Hill is released on bond and therefore is able to attend any and all hearings for this honorable court.

Hill believes that the trial date of July 15, 2019, is too late and would like to request an earlier trial date for the following reasons:

1. Hill is no longer under detainment due to being released on bond. Therefore Hill can attend all hearings imposed by this court.
2. Hill has Type 1 brittle diabetes and Mild Autism. The waiting on this case, is taking it's toll on Hill's mental health. Hill has Generalized Anxiety Disorder and waiting for over 1 month will cause unnecessary worry and anxiety.
3. Hill had appealed the case from the Martinsville General District Court (case no. C18-3138) in December, 2018, and the Circuit Court case was filed on January 9, 2019. It was originally scheduled for January 28, 2019, but the mental evaluation at the Federal Correctional Institution 1 ("FCI-1") at Butner, North Carolina had delayed the trial date. Now that Hill isn't detained, it would be better for Hill's Constitutional speedy trial right to have the trial date set for June, 2019.

Therefore for the following reasons, Hill respectfully requests with this honorable Court that the trial date in this criminal case be set for June 2019. Hill asks the scheduling Clerk to schedule an earlier date for this trial to resolve this case as soon as possible. Hill's health is deteriorating, worrying about waiting for the resolution of this case. Hill has a speedy trial right. Now that Hill is no longer in Federal detainment, Hill is free to report to the Court and prepare for trial. Hill is preparing for trial right now and request that the trial date be set earlier than July 15, 2019.

Hill would also like for this Court to acknowledge on record whether it had received the Pro Se filings of the (1)Americans with Disabilities Act ("ADA") Accommodation form, and the (2)Affidavit of Brian David Hill, cause both were mailed to the Clerk of the Martinsville Circuit Court in January, 2019. and wasn't sure if the court had received those and added those to the record in this case.

The Commonwealth Attorney acknowledged during the General District Court trial on December 21, 2019, that Hill was not charged with obscenity, meaning that the Commonwealth had no indication to believe Hill was being obscene, since Hill did not do anything sexual while he was naked, he was just naked at night when nobody was on the trail. Since Hill was not sexually aroused, is technically innocent under the law, Hill again introduces three case laws in favor of Hill not being guilty of indecent exposure under Virginia Code § 18.2-387. In all three cases the convictions were reversed when the conduct did not rise to being obscene, because “it does not rise to the level of obscenity required under Code § 18.2-387, as defined in Code § 18.2-372.”

1. Kimberly F. Neice v. Commonwealth of Virginia, Record No. 1477-09-3 in the Circuit Court of Giles County
2. A. M. v. Commonwealth of Virginia, Record No. 1150-12-4 in the Circuit Court of Shenandoah County
3. Kenneth Samuel Moses v. Commonwealth of Virginia, Record No. 0985-03-3 in the Circuit Court of Richmond

Also Hill had filed two Pro Se Motions with evidence to introduce to the trial Court in Hill's defense: (1) MOTION TO ADMIT EVIDENCE (Filed: 01/23/2019), and (2) MOTION TO FILE EVIDENCE BEFORE TRIAL (Filed: 04/08/2019). This brings up newly discovered evidence in 2019 from a Chimney expert finding evidence of carbon monoxide in the home of 310 Forest Street, Apartment 2, Defendant's home. That evidence was not known from the first trial on December 21, 2019. Hill wasn't aroused and was only naked, and was exposed to carbon monoxide in his own home in 2018 prior to being arrested, Hill was under the influence of an invisible gas (gas that cannot be detected by smell via the human nose) which can cause impulsiveness and hallucinations. Hill was not well at the time due to the carbon monoxide poisoning and Hill never masturbated. Hill was not being obscene and therefore Hill is innocent of indecent exposure if this Circuit Court adopts the decisions of the three case laws stated

above and any other similar case laws which may exist. Hill was under Federal custody and detainment due to this Commonwealth case, many months spent sitting in Jail. Hill had already suffered enough waiting for a trial when sufficient evidence and case law points towards Hill being innocent of the violation of Virginia Code § 18.2-387. Hill suffered enough under the federal Supervised Release Violation charge while waiting the pending charge in this Circuit Court. The Federal Court wants this resolved in the State so that they can make a final determination as to whether Hill violated his Supervised Release conditions as a result of being charged under Code § 18.2-387. Since Hill has both case law and evidence of innocence, an innocent man's fate in the Judicial system pushing for justice should not be delayed nor denied. Justice needs to come as soon as possible for Hill.

Hill respectfully files this Motion with this honorable Court, this the 29<sup>th</sup> day of May, 2019.

WHEREFORE, the Defendant, Brian David Hill, prays that this Court enter an Order scheduling an earlier date for the Trial in this criminal case.

Signed, Brian D. Hill  
Signed  
Brian D. Hill (Pro Se)  
Phone #: 276-790-3505  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

**U.S.W.G.O.**

Amazon: The Frame Up of Journalist Brian D. Hill  
Stanley's 2255 blog: [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

This pleading has been filed by hand delivery to the office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on May 29, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of May, 2019, a true copy of the foregoing Motion was hand delivered to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia.

Signed, Brian D. Hill  
*Signed*  
Brian D. Hill (Pro Se)  
Phone #: 276-790-3505  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

**U.S.W.G.O.**

Amazon: The Frame Up of Journalist Brian D. Hill  
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

*Ranon*

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 05/29/2019 @11:59:49

TESTE: Betty E. Wagoner  
CLERK/DEPUTY CLERK

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,**

**v.**

**BRIAN DAVID HILL,**  
**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)

*CR19-09*

**MOTION FOR BOND**

COMES NOW the Defendant, Brian David Hill, by and through counsel, and pursuant to Code of Virginia, Section 19.2-120, 1950, as amended, moves the Court for a bond in the above captioned cases. The Defendant sets forth the following facts in support of his motion:

1. The Defendant is currently charged with one count of Indecent Exposure, in violation of the Code of Virginia as Amended;
2. This case is an appeal of a conviction in General District Court.
3. The case is set for Pretrial in Martinsville City Circuit Court on July 15, 2019 at 9:00 a.m.;
4. The Defendant is being held in the Martinsville City Jail;
5. The Defendant understands that he will be subject to such conditions that this Court may impose upon him;
6. The Defendant respectfully requests that a reasonable bond be granted in this case.

WHEREFORE, the Defendant requests that the Court grant him a reasonable secured bond.

Respectfully submitted,

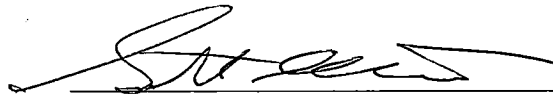
BRIAN HILL



Scott B. Albrecht, VSB No. 88411  
Assistant Public Defender  
Office of the Public Defender  
P. O. Drawer 31  
Martinsville, Virginia 24114  
(276) 666-2206  
(276) 666-8929 Facsimile  
Counsel for the Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion was mailed, faxed or delivered to the office of Andrew Hall, Martinsville Commonwealth's Attorney, 55 W. Church Street, Martinsville, Virginia 24112, on this 31<sup>st</sup> day of May, 2019.

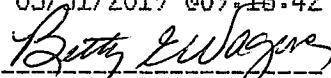


Counsel for Defendant

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 05/31/2019 @09:18:42

TESTE:

  
CLERK/DEPUTY CLERK

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,**

**v.**

**BRIAN DAVID HILL,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)

**CR19- 09**

**ORDER**

Came this day, BRIAN DAVID HILL, and after presentation and consideration of the evidence, it is hereby

ORDERED that the Defendant's request for bond be, and hereby is GRANTED, and shall be as follows:

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ENTERED this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Judge

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,**

**v.**

**CR19-9-00**

**BRIAN DAVID HILL,**  
**Defendant.**

**ORDER**

Came this day the Defendant, BRIAN DAVID HILL, and after presentation and consideration of the evidence, it is hereby

ORDERED that the Defendant's request for bond be, and hereby is, DENIED.

ENTERED this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Judge

B

## RECOGNIZANCE

Va. Code §§ 9.1-185, 9.1-185.8, 19.2-123, 19.2-143, 19.2-238

DOB

JUL 15, 2019 05:30 AM  
JANUARY 1, 2020Martinsville CIRCUIT  
COURT - CITY OR COUNTY55 W. Church Street, Martinsville, VA 24112-1105  
COURT - STREET ADDRESS☐ Commonwealth of Virginia v. Hill, Brian David

DEPENDENT - NAME (LAST, FIRST, MIDDLE)

☒ Martinsville

310 Forest St Apt 2, Martinsville, VA 24112 (276) 790-3508

DEPENDANT - RESIDENTIAL ADDRESS AND TELEPHONE NUMBER

Mailing address: ☒ Same as above OR ☐

I certify that this document contains my current mailing address.

## CHARGES(s):

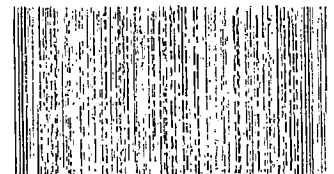
Offense Tracking Number	Virginia Crime Code (For Administrative Use Only)	Code Section	Charge Number
690GM1800003560	18S-3713-C1 INDECENT EXPOSURE	(1) 13-1712.2-117	69-0CR1800003560

☐ Additional charges is attached and incorporated.

I, THE DEFENDANT, agree to the condition of my release from custody, by signing this recognizance, on or before the date and time noted above. If this date, time or place is changed for any reason by any court or judge, I shall appear as so directed.

I understand that I ☐ may ☒ may not leave the Commonwealth of Virginia until my case, and any appeals thereon, are heard. I further agree to keep the peace and be of good behavior and agree to the conditions listed below:  
Comply with a Curfew of 7:00 PM to 7:00 AM.

Defendant shall reside with his mother at 310 Forest St Apt. 1, Martinsville, VA 24112; Defendant is to remain medication and counseling compliant and report to Piedmont Community Service when required for treatment; Defendant is to remain of good behavior; Defendant shall not possess firearm; Defendant shall not possess or consume alcohol or any illegal or non-prescribed narcotics; Defendant shall not go on the Dick and Willy trail.



I, THE DEFENDANT, UNDERSTAND THAT: (1) if I fail to obey the conditions, I may be ARRESTED and, may be convicted; (2) if I fail to appear, the court may try and convict me in my absence; (3) I must appear in the Circuit Court or show reasonable cause; I give up my right to a jury trial; (4) failure to appear is a separate crime; (5) I must promptly notify the court of any change in my mailing address or where I live while this case is pending.

y Brian D. Hill

SIGNATURE OF DEFENDANT

06/04/2019

TIME

<p>ADMITTANCE TO BAIL. After I explained the conditions and warnings contained in this document, the defendant and each person signing as surety swore or affirmed to fulfill the recognizance and, if any, the bond. I order the defendant released on the conditions listed in this document.</p>	
<p>DATE AND TIME 06/04/2019 03:41 PM</p> <p>JURISDICTION OF COURT OR COURT ROOM NUMBER JUDGE: [Signature]</p> <p>DEFENDANT'S NAME [Signature]</p>	<p>NAME OF SURETY [Signature]</p>

**RIGHT TO APPEAL:** You have the right to appeal the amount of this bond. You also have the right to appeal any condition of release. If you want to appeal, contact a lawyer or the court based on the other side of this form.

( ) Check if applicable. The defendant is released into the custody of the person/organization named below upon completion of this part. By signing this part, the court/official named below agrees to take custody of the defendant and so that the defendant stays in the jurisdiction listed above. If the defendant disappears or does not obey every condition, the court/official agrees to notify the court or clerk.

<p>NAME OF SURETY [Signature]</p> <p>ADDRESS [Address]</p> <p>PHONE NO. [Phone No.]</p>	<p>NAME OF SURETY [Signature]</p> <p>ADDRESS [Address]</p> <p>PHONE NO. [Phone No.]</p>
---	---

<p><b>OTHER SURETY(ES) INFORMATION</b></p> <p>NAME OF SURETY [Signature]</p> <p>ADDRESS OF BAIL BONDSMAN/BONDING COMPANY [Address]</p> <p>TELEPHONE NO. OF BAIL BONDSMAN/BONDING COMPANY [Phone No.]</p>	<p><b>BAIL BONDSMAN INFORMATION</b></p> <p>NAME OF BAIL BONDSMAN [Signature]</p> <p>BAIL BONDSMAN'S LICENSE NO. [License No.]</p> <p>1033 Limestone Road [Address]</p> <p>276-618-1394 [Phone No.]</p>
--	--

**BOND AS CONDITION OF RECOGNIZANCE:** By signing this bond, the defendant agrees to the terms and conditions of the bond and their heirs and assigns owe the sum of \$1,000.00 to the court or clerk in which the case is pending. This debt is: ( ) UNSECURED BY ( ) Cash ( ) Surety Bond ( ) Property Bond ( ) Other. I agree to affirm that the value of such property (after subtracting debts that are liens against the property, such as mortgages, judgments, and unpaid tax liens) equals or exceeds the amount of this bond. Each person who signs this bond agrees to the bond terms and is attached applicable terms are incorporated by reference.

The defendant and each person who signs the bond as a surety give up any business exemption as to the debt of the bond and understand that the court may force the sale of any property owned by the defendant or any surety to pay the debt of the defendant. To obey all of the terms and conditions of the recognizance, each person who signs the bond agrees to keep the full and fair value of all property used to measure the ability to pay the debt of the bond in his or her name and not use such property as collateral for any debt or to allow liens against such property which would prevent the payment of the debt of the bond. The terms and conditions of the recognizance are incorporated by reference, and each person who signs the form agrees to obey all of the terms and conditions of the bond of this form. If the defendant obeys all of the conditions listed in the recognizance, the debt of the bond is void. If the defendant fails to obey the conditions of the bond, the people who signed the bond may be required to pay the amount of the bond.

<p>NAME OF BAIL BONDSMAN [Signature]</p> <p>ADDRESS OF BAIL BONDSMAN [Address]</p> <p>TELEPHONE NO. OF BAIL BONDSMAN [Phone No.]</p>	<p>NAME OF SURETY [Signature]</p> <p>ADDRESS [Address]</p> <p>PHONE NO. [Phone No.]</p>
--	---

The face of this document has microprinting and "VOID" when copied. Paper has a printed watermark, invisible fibers, and coin reactive authentication.



2019-AA-045988

Only the Original Power of Attorney will bind this surety.

**POWER OF ATTORNEY**  
**LEXINGTON NATIONAL INSURANCE CORPORATION**  
 P.O. Box 6098, Lutherville, Maryland 21094 • 410-625-0800  
 info@lexingtonnational.com

Power No 2019-AA-045988

THIS POWER OF ATTORNEY WAS REVOKED BY THE BOARD OF DIRECTORS OF LEXINGTON NATIONAL INSURANCE CORPORATION ON APRIL 9, 1995.

KNOW ALL MEN BY THESE PRESENTS, that LEXINGTON NATIONAL INSURANCE CORPORATION, a corporation duly organized and existing under the laws of the State of Florida, hereby constitutes and appoints, subject to any General Qualifying Power of Attorney or other legal prerequisite, as its true and lawful attorney-in-fact the person signing hereby as Attorney-in-Fact with full power and authority to sign the Company's name and affix its corporate seal to and deliver on its behalf as surety any and all obligations as herein provided, and the execution of such obligations in pursuance of these presents shall be as binding upon the Company as fully and to all intents and purposes as if done by the regularly elected officers of the Company at its home office in their own proper persons and the Company hereby ratifies and confirms all and whatsoever its attorney-in-fact may lawfully do and perform in its premises by virtue of these presents.

THE OBLIGATION OF THE COMPANY SHALL NOT EXCEED THE SUM OF FIVE THOUSAND FIVE HUNDRED DOLLARS (\$5,500.00). THIS POWER OF ATTORNEY IS VOID IF ALTERED OR ERASED. VOID IF USED TO FURNISH BAIL ON THE SUBJECT BOND IN EXCESS OF THE STATED MAXIMUM AMOUNT OF THIS POWER AND VOID IF USED WITH OTHER POWERS OF THIS COMPANY OR OTHER POWERS OF OTHER COMPANIES TO MAKE BAIL ON THE SUBJECT BOND. EACH POWER OF ATTORNEY CAN ONLY BE USED ONCE AND MAY BE EXECUTED ONLY FOR RECOGNIZANCE ON CRIMINAL BAIL BONDS.

Bond Amount: \$ 1000.00

NOT VALID FOR INTERSTATE BONDS

IN WITNESS WHEREOF, LEXINGTON NATIONAL INSURANCE CORPORATION, by virtue of authority conferred by its Board of Directors, has caused these presents to be signed with its corporate seal, signed by its President and attested by its Secretary on April 9, 1995.

Defendant: Brian Hill

First Court Date: 7-15-19 Case Number: CR190003900

Defendant's Address: 30 Forest St Apt 1

Court: Circuit County/City: Marshville

Offense(s): indecent exposure

Date of Execution: 6-4-19 Court Assigned Agent #:

Attorney-In-Fact: Shannon Mize Shannon Mize

Print Name

Signature

1. A complete Power of Attorney must be attached to each bond executed.
2. Powers of Attorney must not be altered to attorney's profit, but should be made a part of court records.
3. The validity of such a Power of Attorney is limited to the amount of the bond and to the date of the bond. It is not valid for any other purpose, and it is not valid for any other purpose, and it is not valid for any other purpose.



Form # LNC-045988

# RELEASE ORDER

# R

ACCUSED: Hill, Brian David  
NAME (LAST, FIRST, MIDDLE)

ADDRESS: 310 Forest St Apt 1  
Martinsville, VA 24112

SSN: ██████-0319 DOB: 05/26/1990

Jurisdiction: Martinsville

- ☐ GENERAL DISTRICT (TRAFFIC)
- ☐ GENERAL DISTRICT (CRIMINAL)
- ☐ GENERAL DISTRICT (CIVIL)
- ☐ J&DR DISTRICT COURT
- ☒ CIRCUIT COURT

## CHARGE(S):

Offense Tracking Number	Virginia Crime Code (For Administrative Use Only)	Code Section	Case Number
690GM1800003560	OBS-3713-01 INDECENT EXPOSURE	(L) 13-17/18.2-387	690CR1900000900

☐ Addendum listing additional charges is attached and incorporated.

TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER:  
You are ordered to RELEASE the accused on the above charge(s).

06/04/2019 05:58 PM

DATE AND TIME

*Deborah L. Hall*

☒ MAGISTRATE ☐ CLERK ☐ JUDGE

Deborah L. Hall

Released 06/04/19 1800 AM/PM  
DATE AND TIME

By *[Signature]*

## RELEASE ORDER



CBR 690CM1900002192

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE  
COMMONWEALTH OF VIRGINIA,

v.

CR19-9-00

BRIAN DAVID HILL,

Defendant.

AGREED ORDER FOR BOND

Came this day the Defendant, BRIAN DAVID HILL by counsel, and the  
Commonwealth, by counsel, and upon agreement of counsel, it is hereby

ORDERED that the Defendant's bond shall be the following:

\$1,000.00 secured upon the following conditions:

1. The Defendant is not to leave the Commonwealth of Virginia;
2. Defendant shall reside with his mother at 310 Forest St. Apt. 1, Martinsville, VA  
24112;
3. The Defendant is to remain medication and counseling compliant, report to  
Piedmont Community Service when required for treatment;
4. The Defendant is to remain of good behavior.
5. Defendant shall not possess firearms;
6. Defendant shall not possess or consume alcohol or any illegal or non-prescribed  
narcotics.
7. Defendant shall observe a curfew of 7p.m. to 7a.m.
8. Defendant shall not go on the Dick and Willy trail.

ENTERED this 4<sup>th</sup> day of June, 2019.

  
Judge

I ASK FOR THIS:



Scott B. Albrecht VSB # 88411  
Office of the Public Defender  
10 E. Main Street  
P. O. Drawer 31  
Martinsville, Virginia 24114  
(276) 666-2206  
(276) 666-8929 Facsimile  
salbrecht@mar.idc.virginia.gov  
Counsel for the Defendant

SEEN AND AGREED:

  
Andy Hall  
City of Martinsville Commonwealth's Attorney

**ORDER FOR CONTINUED CUSTODY**

Commonwealth of Virginia

Jurisdiction: MARTINSVILLEACCUSED: HILL, BRIAN DAVID  
NAME (LAST, FIRST, MIDDLE)☐ Juvenile & Domestic Relations District Court  
☐ General District Court  
☒ Circuit Court                    -0319  
SOCIAL SECURITY NUMBER05/26/1990  
DATE OF BIRTHHearing Date and Time: 07/15/2019 at 9:00 AM

CHARGED UNDER:

☐ State ☒ Local Ordinance**CHARGE(S):**

Offense Tracking Number	Offense Date	Virginia Crime Code (For Administrative Use Only)	Code Section	Case Number
690GM1800003560	09/21/2018	OBS-3713-O1	18.2-387	CR19000009-00
		Description: INDECENT EXPOSURE		
		Description:		
		Description:		
		Description:		
		Description:		
		Description:		
		Description:		

☐ Addendum listing additional charges is attached and incorporated.Public Workforce ☐ Authorized ☐ Not AuthorizedBAIL: \$ 1,000.00 ☒ Secured Bond ☐ Unsecured Bond ☐ Recognizance☐ Custody and Supervision of Pretrial Services Agency☐ Third-Party Custody and Supervision☐ No Change in Existing Amount of Bond ☐ Amend Bond to \$ .....☐ Held Without Bail ☐ No change in Existing Bail ConditionsAccused ☐ may ☐ may not leave the Commonwealth of Virginia ☐ may ☐ may not leave .....  
CITY/COUNTY**Additional Conditions of Bail:**

The Accused must

☐ Submit to Drug/Alcohol Screening ☐ Submit to Drug/Alcohol Testing ☐ Comply with a Curfew of .....☐ Avoid All Contact with.....☐ Refrain from Possessing Firearm, Destructive Device, Dangerous Weapon☐ Refrain from Excessive Use of Alcohol ☐ Refrain from Use of Illegal Drugs/Controlled Substances  
not Prescribed by a Health Care Provider☐ Maintain or Seek Employment ☐ Maintain or Commence Education☐ The Accused is assigned to home-electronic incarceration by Judge☐ The Accused is to be monitored by a GPS/other tracking device.☒ Other: DEFENDANT PRESENT SA AHALL SEE AGREED ORDER ATTACHED AS TO BOND CONDITIONS.

TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER:

Hold the accused in custody pending the hearing date and convey the accused to the appropriate court so that the accused will be present in court at the hearing date and time, unless otherwise ordered by the appropriate judicial officer.

06/04/2019

DATE

☒ CLERK☐ JUDGE

VIRGINIA: IN THE CIRCUIT COURT OF CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.

Brian D. Hill, Defendant

COMMONWEALTH'S ATTORNEY REQUEST FOR JURY TRIAL  
and CONSEQUENCES OF FAILURE TO APPEAR

This day came the defendant, who appeared in person with his attorney. The Commonwealth was also present. Whereupon the defendant was arraigned and after being advised by his counsel pleaded **NOT GUILTY** to the Indictment, which plea was tendered by the defendant in person, and after being first advised by his counsel and by the Court of his right to trial by jury, the defendant in person, knowingly and voluntarily waived trial by jury, however, the Attorney for the Commonwealth requested a trial by jury, therefore, the Court shall set this case for a Jury Trial on the Commonwealth's Attorneys motion.

The defendant understands that if he fails to appear on this date, he may be tried in his absence, and may be indicted for the offense of Failure to Appear which may be a felony carrying a sentence of up to 5 years in the penitentiary. By his signature below, the Defendant confirms his understanding of the trial date and the consequences of his failure to appear, therefore

This case is set for a Jury Trial on August 30,  
2019 at 9 A M and this case is continued on the joint motion  
of counsel.

This 15<sup>th</sup> day of July, 2019.

Brian D. Hill

Defendant

[Signature]  
Counsel for Defendant

[Signature]  
Commonwealth's Attorney

[Signature]  
Judge

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA )  
CITY OF MARTINSVILLE )

NOTICE TO APPEAR

VS. )

Brian D Hill )  
DEFENDANT )

CASE # CK 19-009

You are required to appear in person before the Martinsville Circuit Court, in this Courtroom, on August 30, 20 19, at 9:00 AM/PM.

Unexcused failure to appear at the time and place specified will constitute a separate criminal offense for which you can be charged, and if convicted, will subject you to a fine and/or jail sentence regardless of what happens to the original charge(s). *By Jerry - Comm*

You agree to follow the Instructions on the bottom of this Notice.

You acknowledge receipt of this Notice, this 15<sup>th</sup> day of July, 20 19.

Brian D. Hill

DEFENDANT

This is to certify that this Notice was executed on the above date by the Defendant, and that a copy was delivered to the Defendant.

[Signature]  
~~JUDGE/CLERK/DEPUTY CLERK~~

INSTRUCTIONS FOR THE DEFENDANT

1. You must personally appear at each court hearing on your case(s).
2. You have the right to be present at your trial and to confront and cross-examine witnesses.
3. You shall keep in touch with your attorney at all times.
4. If serious illness or emergency prevents you from appearing in court, you must call the Clerk's Office at (276) 403-5106 and fully explain the reason for non-appearance. You shall also promptly notify your attorney of any such problem(s).
5. Unexcused failure to appear in Court may result in you being tried in your absence, and additional criminal charges for Failure to Appear in Court.

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
Plaintiff

vs.

CR19000009-00

BRIAN DAVID HILL,  
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

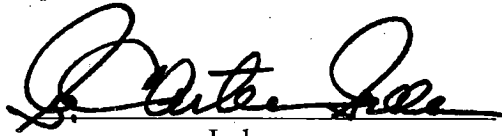
It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

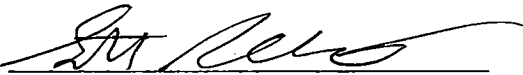
It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 15<sup>th</sup> day of July, 2019.

  
Judge

I ASK FOR THIS:



Scott Albrecht (VSB #88411)  
Office of the Public Defender  
P. O. Drawer 31  
Martinsville, VA 24114  
276-666-2206  
276-666-8929 (fax)  
salbrecht@mar.idc.virginia.gov

SEEN:

  
Counsel for the Commonwealth



*Martinsville*  
*Commonwealth's Attorney*

**G. ANDREW HALL**  
Commonwealth's Attorney

**ALBERTO Z. HERRERO**  
Assistant Commonwealth's Attorney

**PAULA A. BOWEN**  
Deputy Commonwealth's Attorney

**DANIEL P. MOOK**  
Assistant Commonwealth's Attorney

July 18, 2019

Ashby Pritchett, Clerk  
Martinsville Circuit Court  
55 West Church Street  
Martinsville, VA 24112

Mr. Pritchett:

Please be advised the Commonwealth has issued subpoenas for the following witnesses to appear at trial of Commonwealth v. **BRIAN HILL ( CR19000009 )** scheduled on **8/30/2019 at 9:00 a.m.:**

**Robbie Jones**  
Martinsville Police Department  
Martinsville, VA 24112

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 07/18/2019 @15:36:21

TESTE: *Jennifer C. Apple*  
CLERK/DEPUTY CLERK

COMMONWEALTH OF VIRGINIA,  
Plaintiff,  
  
v.  
  
BRIAN DAVID HILL  
  
Defendant,

Criminal Action No. CR19000009-00

Motion to Request an Insanity Defense

Pursuant to Virginia Code §19.2-169.5(A), criminal Defendant Brian David Hill (“Brian”, “Hill”) would like to request an outpatient mental evaluation/examination by a forensic psychologist or psychiatrist.

Here are the facts which can be presented to the Court upon determining whether Defendant Hill will show and has shown enough evidence warranting a plea of insanity at the time of the instant offense on September 21, 2018:

- 116

newly discovered evidence was found since that evaluation which was pertinent to the case, relevant to the time of the alleged offense of September 21, 2018, and material to what happened during the alleged offense of September 21, 2018.

2. Newly discovered evidence not known during the time of the first mental evaluation was (1) that Defendant Hill had sinus tachycardia level abnormally high resting blood pulse two times at Martinsville hospital prior to being arrested by Martinsville Police Officer Sgt. R. D. Jones. That any resting blood pulse over the level of "100" is considered sinus tachycardia; (2) that Defendant Hill had also suffered sinus tachycardia on November 19, 2017 when he fell and hit his head. Blood was pouring out of his head while unconscious and wondering to bed with blood all over his pillow; (3) that sinus tachycardia is a symptom of Carbon Monoxide poisoning; (4) Abnormally high White Blood Cell ("WBC") count and Mean Platelet Volume ("MPV") count on November 19, 2017 which are also more further medical symptoms caused by exposure to Carbon Monoxide poisoning; (5) Medical records from 2017 also show that Brian was reportedly visited by an ambulance but Brian had asked the EMT staff to let him go to the hospital voluntarily to do his hand washing and body washing routines to satisfy his Obsessive Compulsive Disorder ("OCD") so that he doesn't feel extreme anxiety. The hospital record reported that it took 4 hours for Brian to get to the Emergency Room, four (4) hours to complete his OCD hand washing and body washing rituals before he was even at the Hospital Emergency Room. That was why he had suffered sinus tachycardia which was during his resting blood pulse.
3. Medical records were recently obtained from Piedmont Community Services, a mental health service provider, that Dr. Conrad Daum a forensic psychiatrist had diagnosed Brian on October 24, 2018 with "psychosis" and "delusions" over Brian's repeated statements about a man wearing a dark hoodie threatening to kill Brian's mother if he didn't get naked in public, on the Dick and Willie hiking trail. Psychosis is another symptom of Carbon Monoxide gas poisoning exposure. A forensic psychiatrist didn't think that Brian was making statements of an alleged event which caused him to take his clothes off in public, was even based on reality. When somebody makes statements that are not based on reality, then it is considered a mental "psychosis".

4. Brian had filed written statements on federal court record about his version of the story regarding a man wearing a dark hoodie, saying that if he didn't follow his instructions that his mother Roberta Hill would be murdered. Brian said that he thought somebody was watching him in the thicket in his backyard while he was mowing outside. He also said that he was afraid to be in his home but kept the doors unlocked and that his mother had witnessed him keeping his door unlocked. It was as if Brian wasn't afraid of somebody coming into the house, but subconsciously Brian was almost keeping his door unlocked to escape something in his home that scared him. Brian also made contradictory and confusing statements to law enforcement officer R. D. Jones before and after his visit to Martinsville Hospital on September 21, 2018 prior to being arrested and jailed at Martinsville City Jail. Sinus Tachycardia level blood pulse was found two times prior to being released from the Hospital. Both extremely high resting blood pulse readings are in the level of sinus tachycardia. The first blood pulse reading around 4:09AM was "119" for a resting pulse, then around 5:01AM the last resting blood pulse reading was "106". So Brian's heart beats were at extremely high or even possibly dangerous levels (*high risk of a heart attack or a stroke*) showing signs that something was wrong with Brian's body which can also attribute to his confusing mental state. His mental state was confusing, that Officer Sgt R. D. Jones assumed that Brian was lying about a man wearing a dark hoodie and verbally told Brian that he was lying, caused him to charge Brian with indecent exposure and also caused Brian to cuss out Sgt R. D. Jones two times. He said "F\*\*k You" to Sgt. Jones on September 21, 2018, out of frustration that Sgt. R. D. Jones refused to believe Brian's statements about a man wearing a dark hoodie and about Brian's Autism Spectrum Disorder despite the fact that it was on record at the Virginia Department of Motor Vehicles which gave Brian legal handicap status and received a handicap placard. Then on December 21, 2018, again out of frustration that police refused to believe Brian's story and at that time Brian didn't know that he had been influenced by Carbon Monoxide poisoning, told Sgt. Jones "F\*\*k the Police" and was rushed out of the courtroom for cussing at the officer. Brian would still had suffered the effects of Carbon Monoxide poisoning because some effects can return to somebody within 3 months, even upon no longer being exposed to the gas poison. Brian was frustrated at Martinsville Police and verbally agitated at Martinsville Police officers for not believing his story, when in reality Carbon Monoxide was to blame for Brian's indecent and weird/abnormal behavior. Carbon

Monoxide was not known to the Defendant Brian David Hill until after February, 2019. It was not known to the Defendant during the General District Court Trial and neither was it even known to the evaluator who conducted the mental evaluation and competency evaluation of Brian in November, 2018. Prior to him saying those cuss words, Brian has never cussed at police officers, not even once prior to that time. Brian had left his home late night (*approx. around 11:00PM*) of September 20, 2018, with clothes on, from the home with the Carbon Monoxide gas, and would have still have been under it's effects, then was told by a guy wearing a hoodie to take his clothes off in a public place or his mother would be murdered. Brian didn't act right, and the police were wondering why Brian made confusing and possibly contradictory statements as to why he was naked in a public place. The police would not have known at the time that Brian was under Carbon Monoxide poisoning. If they had known, they may not have arrested him but instead would have attempted to have the hospital provide him treatments and to determine what caused the carbon monoxide in Brian's apartment, to relieve him of the Carbon Monoxide symptoms instead of jailing Brian David Hill at Martinsville City Jail which has no means to treat any symptoms of Carbon Monoxide gas exposure.

Therefore for the following reasons, Hill respectfully requests with this honorable Court that the Court grant this motion for an insanity evaluation for Sanity at the Time of the Offense. It is clear with this Pro-Se Motion that Brian is sane now and is not repeating the behavior of indecent exposure, therefore Brian is sane now and is competent, but was not sane at the time of the offense which was September 21, 2018.

Hill is also including a "proposed order" to grant Hill's request for an outpatient sanity evaluation pursuant to §19.2-169.5(A). Carbon Monoxide gas is a dangerous, invisible gas that cannot be detected by taste or smell. Sources from different places such as Hospital records (November 19, 2017, and September 21, 2018), Piedmont Community Services records (October 24, 2018), Brian sending off legal mailings from the Jail to the wrong addresses less than 2-3 weeks after he was arrested and would have still suffered the effects of Carbon Monoxide poisoning. Brian places the right federal building name (which is in Greensboro, North Carolina) but was sending it to the "L

Richardson Preyer Federal Building” in Martinsville, Virginia when Martinsville has no federal courthouses and no federal buildings. Brian was told that he had exhibited a form of delusions and “psychosis” from a forensic psychiatrist named Dr. Conrad Daum. Brian has obtained evidence from the National Institute of Health (“NIH”) (*a federal government research organization*), the Centers for Disease Control and Prevention (“CDC”), research study in regards to sinus tachycardia and carbon monoxide exposure, and research study from Universities and a State hospital, that the multiple symptoms Brian had suffered were all symptoms caused by being poisoned by Carbon Monoxide. Carbon monoxide can cause hallucinations, mental confusion, and psychosis. In Document #153 in the federal filings Brian had filed on 10/17/2018 (MOTION to Appoint Attorney and STATUS REPORT filed by BRIAN DAVID HILL. (Attachments: # 1 Envelope – Front and Back) (Garland, Leah) (Entered: 10/18/2018), Middle District of North Carolina), Brian's handwriting had appeared to be sloppy and his statements made no sense, and were contradictory or confusing or both. Brian had mailed an earlier federal filing to the right federal courthouse on “10/03/2018” but then the envelope before and after were sent to a non-existing federal building in Martinsville, Virginia. Mental confusion and psychosis as caused by Carbon Monoxide exposure.

Brian will also like to introduce a photocopy of the letter from chimney expert Pete Compton of Bassett, Virginia (Ace Chimney Sweep, located at 296 Dodson Rd, Bassett, VA 24055), that he removed metal tin from the chimney at 310 Forest Street, Martinsville Virginia. He found residue of Carbon Monoxide gas. That would mean evidence of Carbon Monoxide gas coming into apartments at 310 Forest Street until late January 2019. Brian had lived in a home with carbon monoxide gas coming into his apartment and his mother's apartment until he was arrested on September 21, 2018. Had Brian not been arrested and had been allowed to go back to his home in September, 2018, Brian would have been under the same conditions of Carbon Monoxide which either would have led to his possible death or may have exhibited the same behavior as

what had happened on September 21, 2018.

Brian would also like to make it known that since the metal tin was removed from the chimney by expert witness and material witness Pete Compton, the home had plenty of time to air out, and Carbon Monoxide (“CO”) monitoring devices were installed in both apartments at 310 Forest Street, Martinsville, and the detectors report that the CO levels are at zero, non-detectable levels. So Brian is safe to live at 310 Forest Street at this time and has not repeated the behavior of what had happened on September 21, 2018. So it is quite clear that Brian was butt naked on a hiking trail, at night which is a dangerous time to be walking with wild animals and possibly criminals, and being brittle diabetic with a history of diabetic seizures. Walking naked at night runs a higher risk of being raped or kidnapped or killed. Brian did something not just very stupid around September 21, 2018, but an act that Brian had not done previously and an act that was not a normal behavior of Brian. The fact that Brian is in better control of his behavior and is not cussing out the police anymore, means that Brian is recovering from the Carbon Monoxide poisoning. Brian is also taking supplements such as “colloidal silver” and drinking Aloe Vera drinks from the ALDI grocery store to clean out his liver and clean out his body from any toxins and damage caused by the CO gas poisoning.

It is quite clear that Hill was not in his right frame of mind at the time of the alleged offense. Brian didn't bring up all of these different facts around the mental evaluation in November, 2018 because they were not known to him at the time. That evaluator did not know of Brian's CO exposure, and did not know of Brian's writings on federal court record at the time and how it relates to the diagnosis of “psychosis” and how it relates to Carbon Monoxide. All of these different facts were not known to the evaluator for the General District Court case at the time. It is clear that another evaluation is warranted for this case and would be for the means of justice to be served. Brian's mental state as caused by an exposure to an external gas poisoning which can

affect the body internally and the mind, constitutes questionable behavior which is not normal and does not signify sanity. Insanity is rather what his abnormal behavior signifies. Brian was acting insane on September 21, 2018, Brian was talking insane to Officer Sgt. R. D. Jones and cussed him out without even understanding that he was confused because of suffering from an invisible gas that cannot be detected by smell or taste. Brian was talking insane which was why Dr. Conrad Daum, a forensic psychiatrist diagnosed him with a "psychosis" which that very symptom happens to those with the Carbon Monoxide poisoning. If Brian was an exhibitionist, a person who loves to be seen naked and gets sexually aroused of such, then he would be doing this in the day time when people are out walking the trail. Brian wasn't even flashing, he was just naked, walking naked, confused, and making confusing statements. He said he thought he was drugged on his federal court filing in 2018. Brian was "drugged" but not by illegal drugs, but by Carbon Monoxide poisoning. He said his memories were blacked out and cannot remember some or most of what happened that night, yet he was walking on a hiking trail, alone, butt naked, at night and then making confusing statements. It is quite clear and evident that Brian wasn't sane and wasn't sane when questioned by Sgt. R. D. Jones. Brian didn't exhibit appropriate behavior but his behavior improved overtime as the Carbon Monoxide poisoning slowly leaves his system and slowly recovering. The evidence is clear, the mental evaluation around November, 2018, was not done properly and did not take all evidence into account, especially the newly discovered evidence which could not have possibly been discovered until after late January, 2019. A new mental evaluation is warranted under the weight of this new evidence and logic surrounding his statements, federal court filings, Sgt. R. D. Jones reaction to Brian's confusing statements on September 21, 2018.

An outpatient psychological and psychiatric evaluation would be better for the interest of justice, because the forensic psychiatrist/psychologist can personally inspect the white and rust colored residue that was caused by the carbon monoxide gas and a Medical

Doctor can also inspect the residue evidence if the Court finds that it is necessary for the administration of justice. Since a psychiatrist is also considered a doctor, a forensic psychiatrist may be more suitable to conduct the psychiatric evaluation for determining sanity at the time of the offense.

WHEREFORE, the Defendant, Brian David Hill, prays that this Court enter an Order mandating that Brian be given an outpatient mental evaluation by a forensic psychologist and/or a forensic psychiatrist in regards to the issues stated herein.

Hill respectfully files this Motion with this honorable Court, this the 19<sup>th</sup> day of July, 2019. An attached "proposed order" is attached to the end of this pleading.

Signed, Brian D. Hill  
Signed

Brian D. Hill (Pro Se)

Phone #: 276-790-3505

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

**U.S.W.G.O.**

Amazon: The Frame Up of Journalist Brian D. Hill

Stanley's 2255 blog: [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

**Qanon**

Brian D. Hill asks President Donald John Trump and QANON for help.

This pleading has been filed by hand delivery to the office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on July 19, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of July, 2019, a true copy of the foregoing Motion/Pleading was hand delivered to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia.

Signed, Brian D. Hill  
Signed  
Brian D. Hill (Pro Se)  
Phone #: 276-790-3505  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

**U.S.W.G.O.**

Amazon: The Frame Up of Journalist Brian D. Hill  
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

**Qanon**

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FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 07/19/2019 @09:39:53

TESTE: \_\_\_\_\_  
CLERK/DEPUTY CLERK

**ORDER FOR PSYCHOLOGICAL EVALUATION**

Commonwealth of Virginia Va. Code §§ 19.2-168, 19.2-168.1, 19.2-169.1, 19.2-169.5

Case No. CR-19000009-00Circuit Court of the City of Martinsville, VA 55 West Church St., Martinsville, VA

COURT NAME AND ADDRESS

Commonwealth of Virginia v. Brian David Hill**TYPE OF EVALUATION AND REPORT**☐ **COMPETENCY EVALUATION:** It appearing to the Court, on motion of☐ Commonwealth's Attorney ☐ defendant's attorney ☐ the Court

and upon hearing evidence or representations of counsel, that there is probable cause to believe that the defendant lacks substantial capacity to understand the proceedings against him or to assist in his own defense, the Court therefore appoints the evaluator(s) listed below to evaluate the defendant and to submit a report, on or before the date shown below, to this Court, the Commonwealth's Attorney and the defendant's attorney, concerning: (1) the defendant's capacity to understand the proceedings against him; (2) his ability to assist his attorney; and (3) his need for treatment in the event that he is found to be incompetent but restorable, or incompetent for the foreseeable future. If a need for restoration treatment is identified in the event he is found incompetent but restorable, or incompetent for the foreseeable future, the report shall state whether inpatient or outpatient treatment is recommended. No statements of the defendant relating to the time period of the alleged offense shall be included in the report.

☐ **SANITY AT THE TIME OF THE OFFENSE:** It appearing to the Court, upon hearing evidence or representations of counsel for the defendant, that there is probable cause to believe that the defendant's sanity may be a significant factor in his defense and that the defendant is financially unable to pay for expert assistance, the Court therefore appoints the evaluator(s) listed below to evaluate the defendant's sanity at the time of the offense and, where appropriate, to assist in the development of an insanity defense. They shall prepare and submit a full report, on or before the date shown below, solely to the defendant's attorney, concerning the defendant's sanity at the time of the offense, including whether he may have had a significant mental disease or defect which rendered him insane at the time of the offense. If further evaluation on this issue is necessary, the evaluator(s) shall so state.

☐ The motion for the evaluation having been made by the Commonwealth after receiving notice pursuant to Virginia Code § 19.2-168, the Court also orders the defendant to submit to an evaluation and has advised the defendant that a refusal to cooperate with the Commonwealth's evaluator(s) could result in the exclusion of defendant's expert evidence. The Court further orders the evaluator(s) to submit to the attorneys for the Commonwealth and defendant copies of the report and the records obtained during the evaluation.

**DESIGNATION OF EVALUATOR(S)**

The Court finds and concludes that:

☐ the evaluation shall be performed on an outpatient basis at a mental health facility or in jail.

The Court therefore appoints the following evaluator(s) to conduct the evaluation:

☐ .....  
EVALUATOR(S): NAME(S) AND TITLE(S) OR NAME OF FACILITY

☐ the evaluation shall be conducted on an inpatient basis by qualified staff at a hospital designated by the Commissioner of the Department of Behavioral Health and Developmental Services because:

- ☐ an outpatient evaluation (copy attached) has been conducted and the outpatient evaluator opined that a hospital-based evaluation is needed to reliably reach an opinion.
- ☐ the defendant is currently in the custody of the Commissioner of Behavioral Health and Developmental Services pursuant to Virginia Code §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, 19.2-182.9, or Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2.

DUE DATE AND TIME: .....

The Court further orders that the Commonwealth's Attorney and the defendant's attorney forward appropriate background information to the evaluator(s) as required by law.

TO EVALUATORS AND ATTORNEYS: See reverse for additional instructions.

DATE

Proposed Order

## **ADDITIONAL INSTRUCTIONS TO EVALUATOR(S) AND ATTORNEYS**

### **Providing Background Information**

1. Competency Evaluation: Prior to an evaluation of competency pursuant to Va. Code § 19.2-169.1, the Commonwealth's Attorney must forward to the evaluator(s) within 96 hours of the issuance of this order:
  - a. a copy of the warrant;
  - b. the names and addresses of the Commonwealth's Attorney, the defendant's attorney, and the judge ordering the evaluation;
  - c. information about the alleged crime; and
  - d. a summary of the reasons for the evaluation request.

The defendant's attorney must provide any available psychiatric records and other information that are deemed relevant within 96 hours of the issuance of this order. Va. Code § 19.2-169.1(C).

2. Sanity at the Time of the Offense: Prior to an evaluation of sanity at the time of the offense, the party making the motion for the evaluation must forward to the evaluator(s):
  - a. a copy of the warrant;
  - b. the names and addresses of the Commonwealth's Attorney, the defendant's attorney, and the judge ordering the evaluation;
  - c. information about the alleged crime, including statements by the defendant made to the police and transcripts of preliminary hearings, if any;
  - d. a summary of the reasons for the evaluation request;
  - e. any available psychiatric, psychological, medical or social records that are deemed relevant; and
  - f. a copy of defendant's criminal record, to the extent reasonably available.

Va. Code § 19.2-169.5(C).

### **Use of Information Obtained During Evaluation**

No statement of disclosure by the defendant concerning the alleged offense made during the evaluation may be used against the defendant at the trial as evidence, or as a basis for such evidence, except on the issue of his/her mental condition at the time of the offense after the defendant raises the issue pursuant to § 19.2-168 of the Code of Virginia. Va. Code § 19.2-169.7.

VIRGINIA:  
IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

_____	)	
COMMONWEALTH OF VIRGINIA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No. CR19000009-00
	)	
BRIAN DAVID HILL	)	
	)	
Defendant,	)	
	)	Motion to Request Substitute Counsel
_____	)	
	)	

Motion to Request Substitute Counsel

Pursuant to U.S. Supreme Court case Strickland v. Washington, 466 U.S. 668 (1984), No. 82-1554, 6<sup>th</sup> Amendment of the U.S. Constitution, and Virginia Code § 19.2-163.01(A)(4), criminal Defendant Brian David Hill (“Brian”, “Hill”) would like to request substitute counsel to be appointed to indigent defendant Brian David Hill.

Hill's Sixth Amendment right was violated by court appointed lawyer Lauren Michelle McGarry, Martinsville Public Defender, P.O. Box 31, Martinsville, VA 24114.

Here are the facts which can be presented to the Court upon determining whether Lauren McGarry (“Lauren”) had been ineffective as assistance of counsel and that the Court should move to appoint new counsel to Brian D. Hill to protect his Sixth Amendment right to effective counsel.

1. Lauren had informed Brian on July 15, 2019, outside of the Circuit Courtroom that Brian couldn't present anything he offered as evidence,

because she said in her own words and determination that any piece of evidence that was ever offered was going to be inadmissible. Then she said that anything I give her (medical records, other circuit court case law regarding the obscenity clause requirements for indecent exposure, pictures, etc etc) will be kept in her file, and that is where it will always be, in her file. Roberta Hill had witnessed that statement.

2. Lauren was faxed three different Virginia Circuit Court case laws on July 3, 2019, that ruled indecent exposure convictions were to be reversed since those cases did not meet the obscenity clause requirement. There is strict liability where somebody is technically guilty of a crime and then there are case laws where certain statutory criteria must be met in order to be guilty of a crime. After Brian's appeal pro se to the General District Court which appealed the case to the Circuit Court, attorney Scott Albrecht met Brian and had told him (*after Brian's friend named Eric Clark from Kansas sent an email to Scott Albrecht in regards to the case laws for acquitting those convicted of indecent exposure*) that he can argue Brian's technical innocence in court, and took Brian's description about a man wearing a hoodie. Scott Albrecht originally argued on December 21, 2018, during the trial in General District Court, that Brian was not being obscene when he was naked, that nobody was on the trail screaming "oh my god!" and that Brian was not aroused on the trial. Then the Commonwealth Attorney Assistant argued that "He was not charged with obscenity". So the Commonwealth's attorney had argued that Brian was not charged with obscenity, meaning that the Government doesn't have the evidence to support obscenity. Scott Albrecht showed the obscenity statute. The three case laws which were faxed to the Public Defender office for Lauren McGarry to read, the two pages excerpted from Brian's pro se "Motion for an Earlier Trial Date" which was filed with the Circuit Court Clerk in May, 2019. Lauren has totally ignored the case laws. She told Brian on July 15, 2019, that if Brian wants to continue taking the case to trial, that Brian will be found guilty, that he will lose. Her statement on that contradicts former Assistant Public Defender Scott Albrecht who was formerly assigned to Brian's case as counsel. Again, Scott had said in December 2018 (*after Brian had filed his "notice of appeal" pro se*) that he can argue Brian's technical innocence, after receiving an email from Eric Clark regarding the indecent exposure acquittals based upon the three case laws. So Lauren's claims are contradicting Scott Albrecht a lawyer.

3. Brian had met with a private attorney for free consultation (to get a second opinion) on the date of July 18, 2019, at the “Haymore & Holland, P.C.” who are located at 219 Patton Street, Danville, VA 24541. He wasn't aware of the three indecent exposure acquittal case laws in the other circuit courts, so he gave his opinion based upon strict liability that he thought Brian would be found technically guilty of indecent exposure, but however he said that the evidence his family showed him was admissible as evidence. He sounded puzzled as if he disagreed with my grandmother Stella Forinash when she told that lawyer that Lauren McGarry told Brian and his mother that any evidence him or his family gave to her would be considered inadmissible. He said Brian can bring up his medical records, the psychosis diagnosis, and any other cumulative evidence up as a defense, not a regular defense but a “Insanity defense”. So he told Brian and his family that he should get his court appointed lawyer to file a motion for a sanity evaluation to enter in a plea of insanity at the time of the offense. That is my explanation to the court why I had filed the “Motion to Request an Insanity Defense – Sanity at the time of the Offense” pro se with the Circuit Court Clerk on July 19, 2019. I knew Lauren was never going to bring up the insanity defense, and she wasn't going to bring up any medical records, diagnosis I was given, none of it. She will bring none, no evidence, nothing at all, because she thinks all of it and any of it was inadmissible the way she sounded and the way she had said it. The other lawyer from the private law firm during free consultation had totally disagreed with Lauren McGarry's position on the admissibility matter. I had also reviewed over the Virginia Rules of Evidence and it doesn't sound like Lauren was correct as to why she personally believes the evidence I had presented her and was going to present her would have been in any way, shape, or form, be considered inadmissible. She was wrong.
4. She had behaved rude towards Brian's family on multiple occasions. Unlike the lawyer from Danville, VA during the consultation. Even Scott Albrecht had not acted rude as Lauren has in the past with Brian's family.
5. Lauren said that she cannot and will not bring up chimney expert witness “Pete Compton” of ACE Chimney Sweep at 296 Dodson Rd, Bassett, VA 24055, (276) 629-4453, even though he had found residue evidence of carbon monoxide poisoning, because he didn't get the levels

of carbon monoxide gas poisoning. So according to her, it was better for him to leave carbon monoxide in the entire apartment complex at 310 Forest Street, for the whole home to consistently have carbon monoxide gas in order to find out what the levels were. She said his testimony would be inadmissible.

6. Roberta Hill had discovered that Lauren's LinkedIn profile had omitted the fact that in 2014, she was an intern for the Commonwealth Attorney's Office of Martinsville. Brian's family found at least 2-3 articles showing that Lauren McGarry had worked for the Martinsville Commonwealth Attorney Office as an intern back in 2014. Explains why she doesn't want any witnesses to testify and doesn't want any evidence to be presented to the court for admissibility for the jury trial either. A potential conflict of interest. All of her refusals to do any defense work is beneficial to the other side, to the Commonwealth Attorney.
7. Brian no longer wishes to stay in communication with his lawyer which causes a problem for Brian's Circuit Court case. He feels angry about her, and doesn't want to talk to her anymore because she is rude to Brian's family, complains that nothing can be brought up as evidence and not even medical records from the Hospital, and then she said that she cannot bring up Pete Compton as a witness for the trial. She ignored the case law which means, if there is a guilty verdict by a jury and the case is appealed up further, Lauren will not bring up the three different case laws regarding acquittals of indecent exposure for not meeting the bar of the obscenity clause. Lawyer Scott Albrecht told Brian and his family in 2018 that Brian was innocent of indecent exposure because Brian wasn't sexually aroused when he was naked, he was just naked, that was it. So while Scott argues the obscenity clause just like in the three Circuit Courts ruling acquittals, Lauren seems to be giving her opinion on the basis of strict liability. What Lauren is arguing in regards to strict liability is dangerous. Part of the reason why different Circuit Courts rule that one cannot be guilty of indecent exposure unless they are being obscene in public (sexual behavior such as masturbation and arousal) is because of people with mental illnesses that might not think straight but aren't being sexual if naked in public at night, or an elderly man or woman with Alzheimer's disease or dementia that was out naked in a public place not knowing what is going on. There could be somebody drunk in public that takes clothes off but is not being sexual. The purpose of the indecent exposure statute is to prevent lewd sexual

behavior in public. Even the U.S. Supreme Court and lower courts have upheld the constitutionality of "nudity without more," specifically referring to the nudist depiction as a fully constitutional form of expression. (*Sunshine Book Co. v. Summerfield, Postmaster General*, 355 U.S. 372) That may also be likely as to why the three circuit courts require obscenity in order to be guilty of indecent exposure. In those three cases faxed to Lauren, the convictions were reversed when the conduct did not rise to being obscene, because "it does not rise to the level of obscenity required under Code § 18.2-387, as defined in Code § 18.2-372." (1) *Kimberly F. Neice v. Commonwealth of Virginia*, Record No. 1477-09-3 in the Circuit Court of Giles County; (2) *A. M. v. Commonwealth of Virginia*, Record No. 1150-12-4 in the Circuit Court of Shenandoah County; (3) *Kenneth Samuel Moses v. Commonwealth of Virginia*, Record No. 0985-03-3 in the Circuit Court of Richmond. Scott Albrecht had informed Brian that there was a few other case laws he was looking into months prior to Lauren being assigned as Brian's new counsel. If the Circuit Court decides to adopt strict liability instead which is dangerous for the mentally ill, the elderly, the mentally handicapped, and those who were confused or on drugs/alcohol but not sexual in public. However if strict liability is to be adopted by the Martinsville Circuit Court, then the case could be decided by the Virginia Supreme Court due to the conflict between the different Circuit Court decisions. Nudity and nothing more is not being obscene. Obscenity means that somebody feels sexually aroused by being seen and wants to pleasure themselves in public. Brian did nothing like that, especially since evidence is building showing that Brian had over eight (8) symptoms of carbon monoxide poisoning which would have caused Brian to have behaved insanely. Lauren ignored all of that.

It is quite clear that Brian no longer wishes to work with Lauren McGarry as counsel because she doesn't want to present any evidence during the pre-trial phase to determine it's admissibility. Lauren made her own personal determination of the entire case as if she were Judge, Jury, and Executioner. She decides that any evidence ever offered is all inadmissible and that case laws of the Commonwealth of Virginia did not matter at all either which contradicts both former attorney Scott Albrecht and the lawyer during the free consultation period at "Haymore & Holland, P.C." in Danville. Lauren

believes in strict liability when she doesn't know or understand that the Circuit Court may rule along with the other Circuit Courts on the obscenity requirements ("nudity and nothing more") for indecent exposure and for good reason. There are crazy people that might just go insane and take clothes off, there are those with carbon monoxide poisoning like what had happened to Brian, elderly people, people who have severe mental handicaps, and all of the people like that would face sex charges when none of them had any sexual behavior and no sexual intent. The Adam Walsh Act was never meant to be used for this purpose, it was mainly meant for rapists and child molesters. All this does is delude the trust and credibility of the sex offender registry while Jeffery Epstein from New York was reported to have molested hundreds of kids with the Lolita Express and he was already registered as a sex offender but that didn't stop him from sexually abusing children and engaging in child trafficking. The registry has become a failure, especially with the strict liability issues of the indecent exposure charge, that is why there are Circuits which have ruled that obscenity is required for indecent exposure, as to not delude the sex offender registry with stupid non-sexual acts being a reason to convict people with indecent exposure to even warrant registration. Strict liability again is very dangerous and can put innocent people onto a sex offender registry, somebody who is drunk and peed at a bush or tree in public could become a sex offender under strict liability. An elderly woman or man with dementia or brain problems that could cause somebody to undress in a public place without understanding the consequences would become an instant sex offender. The obscenity requirements protects the mentally ill and those with brain/neurological illnesses from being convicted of indecent exposure. More likely police that would find such people would place them in a hospital, or in a mental facility, or back with their families or caregivers. There is a reason why Scott Albrecht had brought up the obscenity requirement and argued that Brian wasn't being obscene and therefore wasn't guilty of indecent exposure.

Carbon Monoxide poisoning can also cause abnormal behaviors and can cause something like indecent exposure and other weird behaviors. It can cause hallucinations and psychosis. You can think your in the shower while naked but yet be at a public waterfall in a state park. You can think you were naked in your home but instead be in a public building. Carbon monoxide is a good defense to bring up but Lauren refuses to bring any of that up.

Counsel is ineffective, counsel refuses to present any evidence to the Judge to determine whether it can be admissible for the Jury Trial. Counsel refuses to present any witnesses, counsel gives an opinion of only guilt for Brian at the jury trial when Scott Albrecht and the Danville VA counsel both said otherwise. When two lawyer's opinions conflicts with Lauren's own opinions and beliefs, it is clear that Lauren will not defend Brian and is not good counsel for Brian to be able to defend himself in a court of law against the charge of indecent exposure. Therefore Brian recommends to the Court that they find Lauren McGarry of the Public Defender Office to being ineffective as assistance of counsel in Brian's case, and therefore the Court should move to appoint substitute counsel to protect Brian's Sixth Amendment right under the United States Constitution. If Brian is to have any chance of a constitutionally guaranteed fair trial instead of a kangaroo trial, Brian does not need Lauren McGarry as counsel. Brian doesn't even want to talk with his counsel anymore which effects the case entirely. Brian's family is having to check the case status and history just to find out when Brian's next court hearing is because Brian is very displeased with his lawyer for screwing up his case. Brian is agitated, angry, and annoyed with his counsel for lying to him and his family, refusing to defend Brian on her personal belief that Brian is guilty no matter what he says, argues, or whatever evidence that he presents.

Brian requests that the Court grant him substitute counsel without any unnecessary delay.

WHEREFORE, the Defendant, Brian David Hill, prays that this Court enter an Order granting this motion and give the Defendant substitute counsel appointed by this Court for Brian so that he receives due process of law, a fair and just trial, and an impartial jury. His constitutional rights are in jeopardy under current assigned counsel.

Hill respectfully files this Motion with this honorable Court, this the 19<sup>th</sup> day of July, 2019.

Signed, Brian D. Hill  
*Signed*  
Brian D. Hill (Pro Se)  
Phone #: 276-790-3505  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

**U.S.W.G.O.**

Amazon: The Frame Up of Journalist Brian D. Hill  
Stanley's 2255 blog: [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

**Qanon**

Brian D. Hill asks President Donald John Trump and QANON for help.

This pleading has been filed by hand delivery to the office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on July 19, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of July, 2019, a true copy of the foregoing Motion/Pleading was hand delivered to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia.

Signed, Brian D. Hill  
Signed  
Brian D. Hill (Pro Se)  
Phone #: 276-790-3505  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

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FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 07/19/2019 @09:40:24

TESTE: ER. HARR  
CLERK/DEPUTY CLERK

COMMONWEALTH OF VIRGINIA,  
Plaintiff,  
v.  
BRIAN DAVID HILL  
Defendant,

Criminal Action No. CR19000009-00

Motion for Discovery

Pursuant to Rule 4:1 of the Virginia Rules of the Supreme Court and U.S. Supreme Court decision of *Brady v. Maryland*, 373 U.S. 83 S. Ct. 1194; 10 L. Ed. 2d 215; 1963, criminal Defendant Brian David Hill (“Brian”, “Hill”) would like to request that the Commonwealth Attorney (“CA”) be compelled to provide discovery materials to Defense counsel which are both material and relevant to the case. That is for the jury trial for the charge of “indecent exposure” as defined in Virginia Code § 18.2-387. The jury trial is scheduled for August 30, 2019, unless the court considers changing the date for any reason including but not limited to expert witnesses and a mental evaluation to determine sanity at the time of the offense.

1

Brian's defense counsel (*Note: Attorney Scott Albrecht, at the time*) as pertinent to Virginia discovery requirements.

Evidence of attempting to request the police-body-camera footage of September 21, 2018, are made in the following Exhibits:

Exhibit 1)        2-Page U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #4 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 30, 2019, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**

Exhibit 2)        Photocopy of 1-Page letter from Brian David Hill to the Martinsville Police Chief dated January 19, 2019 while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. Also the second page of this Exhibit is a 1-page photocopy of the mailing envelope with mailing label before it was delivered to the prison Mail Room, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**

Exhibit 3)        1-Page of U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #8 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 22, 2019 with

the original letter before the photocopy of that same discovery letter was mailed at a later time (See Exhibit 1). The prison treated the mailing as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 1-page.**

Exhibit 4) 3-Page letter to the Martinsville Chief of Police, was typed up and mailed to them by Brian David Hill's grandparents. Noted: January 19, 2019 (Typed letter March 13, 2019), “Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady”, “CC: Commonwealth Attorney, Case no C18-3138,”. Note: The Defendant will be looking for the return receipt to see if it can be located in the pile of papers in the multiple boxes full of legal papers, so that the court will have proof of receipt if necessary. Total of 3-pages.

Exhibit 5) A 2-page news article titled “Body Cameras Proving Useful for Martinsville Police | WSET”. It proves that since 2013, Martinsville Police Department records body-camera footage of incidents. That may include recording of Brian David Hill on September 21, 2018, and any statements that he had made in regards to a “man wearing a hoodie” and may be useful in proving that Brian David Hill was not acting right at the time which would help prove that he was under carbon monoxide poisoning. **Total of 2-pages.**

**Total evidence of 10 pages of five (5) Exhibits, 5 additional pages for the Exhibit page markers. 15 pages attached to this letter.**

#### ANALYSIS:

From the Virginia Supreme Court rules document:

*“The parties have a duty to seasonably supplement and amend discovery responses*

*pursuant to Rule 4:1(e) of the Rules of Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.”*

Since Defendant has sent two letters with “CC: Commonwealth Attorney, Case no. C18-3138,” and family sent one typed letter asking for the police body-camera footage for Hill's case, it is clear that Hill had made a good faith effort to explain to the prosecution and the Police Department that the body-camera footage of what had happened on September 21, 2018, was needed for discovery purposes for the case. The old case number for the General District Court case was referenced because Hill did not know the Circuit Court case number at the time he was sending those letters, but that case number is the very same case number of what was appealed. No responses were ever found or noted. As far as Hill is concerned, there are no responses to his discovery requests. Hill had mailed a copy of the letter (Exhibit 2) to Scott Albrecht while he was still Hill's counsel of record at the time. Attorney Scott Albrecht never informed Hill as to whether or not the body-camera footage was turned over to defense counsel. Therefore no responses are noted and no responses exist in regards to Hill's two attempts to ask for the body-camera footage and Hill's families one attempt in a typed letter asking for the body-camera footage. Three written attempts have been made asking for the body-camera footage this year, in a request to Martinsville Police Department and “CC: Commonwealth Attorney”.

It is clear that Brian David Hill as Defendant is entitled to the police body-camera footage pursuant to Rule 4:1 of the Supreme Court Rules for Virginia Courts as well as Brady v. Maryland case law from the U.S. Supreme Court (law of the land) which also applies to state courts, and any other rule or statute for the discovery process.

Also Hill would like to request from the Commonwealth Attorney and from Martinsville Police Department, that Hill's defense counsel get access to any blood-work or blood samples taken from Hill while he was at Sovah Hospital on September 21, 2018, before he was arrested. This includes any laboratory results, blood vials taken at the time of Hill's arrest, blood samples taken at the time of Hill's arrest, etc etc. Blood was clearly taken from Hill while he was at the Hospital, but since he was arrested, the Hospital likely would have given the blood drawn to the Police for conducting their own laboratory tests including but not limited to possible drugs.

Last page of Exhibit 10 in the evidence Exhibits which were attached to Brian's filed pro se Motion (Seq. # 22, filed 07/19/2019, evidence attached to this filing was filed on 07/22/2019 after being given to Clerk's office) for Defense of Mental Insanity "INSANITY DEF-FILED BY DEF", shows that laboratory results were ordered but later deleted from the chart and then Hill was released to Martinsville City Jail as stated in the medical records. Because Hill was escorted there with law enforcement, the Hospital likely had given the blood vials to the Martinsville Police Department to conduct their own laboratory work. That would mean a possibility that the Police Department has the blood samples, and the blood vials are likely in evidence storage for the indecent exposure investigation. Those are also subject to discovery for defense counsel. The blood vials are needed to conduct laboratory tests to find evidence of Carbon Monoxide poisoning in the blood with a lab test of "carboxyhemoglobin" which would prove that Carbon Monoxide was in the blood of Brian David Hill during the time of the alleged offense on September 21, 2018. Hill had asked Attorney Scott Abrecht, after he had turned himself in (Seq. #15, 05/30/2019, "HILL TURNED HIMSELF IN") to find the laboratory results but Hill later learned from his family that the Commonwealth Attorney didn't have the laboratory results, but the Commonwealth

Attorney never said anything to Scott Albrecht about the blood vials and blood-work that was drawn while Hill was at the hospital. So the blood vials may still exist as evidence and may be retained by Martinsville Police Department due to Sovah Hospital's policy in regards to a patient that is escorted by law enforcement or was with law enforcement.

Therefore for the following reasons, Hill respectfully requests with this honorable Court that the Court grant this motion for Discovery and compel the Commonwealth Attorney and Martinsville Police Department (who the Commonwealth represents) to turn over the evidence of the body-camera footage (*as noted above*) to Defense counsel, and the blood-work and/or blood-vials of Brian David Hill (*at the time he was arrested*) to Defense counsel. That the Court order all discovery evidence that the Commonwealth Attorney and Martinsville Police Department has withheld be turned over to Defense counsel As Soon As Possible.

WHEREFORE, the Defendant, Brian David Hill, prays that this Court enter an Order compelling discovery materials be turned over to Defense Counsel in regards to the issues stated herein.

Hill respectfully files this Motion with this honorable Court, this the 26<sup>th</sup> day of July, 2019.

Signed, Brian D. Hill  
Signed  
Brian D. Hill (Pro Se)  
Phone #: 276-790-3505  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

**U.S.W.G.O.**

Amazon: The Frame Up of Journalist Brian D. Hill  
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

**Qanon**

Brian D. Hill asks President Donald John Trump and QANON for help.

This pleading has been filed by hand delivery to the office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on July 26, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July, 2019, a true copy of the foregoing Motion/Pleading was hand delivered to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia.

Signed, Brian D. Hill  
*Signed*

Brian D. Hill (Pro Se)  
Phone #: 276-790-3505  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

**U.S.W.G.O.**

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# Exhibit 1

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

# Mailing Log 2019 U.S.W.G.O. Brian David Hill #29947-057

Federal Correctional Institution # Butner, N.C.  
Old N.C. Hwy 75 - P.O. Box 1000 - 27509

- |     |      |  |
|-----|------|--|
| #1  | 4pg  | Jason McMurray, Western Dist. of Virginia, U.S. Probation Office, 210 Franklin RD SW, Roanoke, VA 24011 01/25/2019   |
| #2  | 4pg  | Alexandria Veletsis, Exe. Office of President, 1600 Pennsylvania Ave NW, The White House, Washington DC 20005, US 01/28/2019   |
| #3  | 10pg | Hon Ashby Pritchett, Clerk of the Court, P.O. Box 1206, Martinsville Circuit CRT, Martinsville, VA 24114-1206, US 01/28/2019   |
| #4  | 2pg  | Chief of Police, Police of Martinsville, Martinsville VA Police, 55 West Church St, Municipal Building, Martinsville, VA 24112 US 01/30/2019   |
| #5  | 5pg  | Alexandria Veletsis, Exe. Office of President, 1600 Pennsylvania Ave NW, The White House, Washington DC 20005, US 01/31/2019   |
| #6  | 1pg  | Law Office of Marcia G. Shein (Attorney), Marcia G. Shein, 2392 N Decatur RD, Decatur, GA 30033 US 02/01/2019  |
| #7  | 1pg  | Law Offices of Alan Ellis (Attorney), Alan Ellis, 271 Madison Ave 20th Floor, New York, NY 10016 US 02/04/2019   |
| #8  | 4pg  | ATTN: National Security Council, The White House, Exe. Office of President, 1600 Pennsylvania Ave, NW National Security Council, Washington, DC 20005, US 02/04/2019, Letter Feb. 3 2019 |
| #9  | 3pg  | Clerk Of The Court, 210 Franklin RD SW U.S. District Court, Roanoke, VA 24011, US 02/06/2019   |
| #10 | 1pg  | Office Of The Clerk, Middle Dist North Carolina, 324 W Market St U.S. District Court, Ste. 1, Greensboro, NC 27401-2513, US 02/07/2019   |
| #11 | 5pg  | ATTN: National Security Council. Same mailing address as #8 02/14/2019   |

#1. 2-page letter to U.S. Probation Officer Jason McMurray, Copy of 1-page letter to Chief of Police dated January 19th, 2019 and Copy of 1-page letter to Chief of Police dated January 20th, 2019.  
#2. 4-page letter to Alexandria Veletsis dated January 26, 2019.

#3. 3-page Testimony of Brian David Hill - Declaration and 3-page copy for Commonwealth Attorney; 2-page Notice of Additional Evidence and 2-page copy dated Jan 28, 2019, for Commonwealth Attorney. Testimony dated January 27, 2019.

#4. copy of 1-page letter to Chief of Police dated January 20, 2019; and copy of 1-page letter to Chief of Police dated January 19, 2019.

#5. Photocopy of same 4-page letter to Alexandria Veletsis (#2.) dated January 26, 2019; Copy of 1-page letter personally delivered to Bernie Maidoff delivered 5:35PM January 30, 2019.

Certified mail tracking number:

7018 1130 0000 8936 6290

#6. 1-page letter to Attorney Marcia G. Shein dated February 1, 2019.

#7. 1-page letter to Attorney Alan Ellis dated February 1, 2019.

#8. 4-page letter to the National Security Council dated February 3, 2019.

Certified Mail tracking number: Feb. 3

7018 1130 0000 8936 6320

#9. 1-page Motion to Request Transcripts, 1-page Certificate of Service, and 1-page letter to the Clerk of the Court dated February 6, 2019.

#10. 1-page Docket Report request letter to Clerk of the Court dated February 7, 2019.

#11. 4-page letter to National Security Council dated February 13, 2019. 1-page photocopy of Request to Staff dated 02/13/2019 06:49:30PM. Certified Mail tracking no.

7018 1130 0000 8936 6306

# Exhibit 2

USWGO  
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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

Dear Chief of Police of Martinsville Police Dept,  
CC: Commonwealth Attorney, Case no. C18-3138,  
55 West Church Street,  
Municipal Building,  
Martinsville, VA 24112,

Martinsville Circuit Court case  
Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v. Maryland, Giglio v. U.S., Brian David Hill hereby requests a copy of Police Body-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September ~~20~~ 21, 2018, where I gave statements about the man wearing the hoodie who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank You for your service.

My Respects,

Brian D. Hill

Signed

Brian David Hill #29947-057

Federal Correctional Institution <sup>1</sup>

Old NC Hwy 75; P.O. Box 1000

Butner, N.C. 27509

JusticeForUSWGO.wordpress.com

U.S.W.G.O.

Dated January 19, 2019.

P.S. Brian Hill has Autism  
Spectrum Disorder in DMV  
handicap placard records.

Brian David Hill #29947-057

Name: Number:  
Federal Correctional Institution 1  
P.O. Box 1000  
Butner, NC 27509

*Chief of Police*

⇨ 29947-057 ⇨

Police Of Martinsville  
Martinsville VA Police  
55 W Church ST  
Municipal Building  
Martinsville, VA 24112  
United States



LEGAL MAIL

# Exhibit 3

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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

FCI<sup>2</sup>, Butner, N.C.  
 Brian David Hill #29947-057

# Mailing Log 2019 U.S.W.G.O.

Brian David Hill #29947-057

Federal Correctional Institution<sup>1</sup>, Butner, N.C.

- |     |     |  |
|-----|-----|--|
| #1  | 1pg | ↔29947-057 ↔ Federal Building, 324 W Market St<br>Suite 1, Greensboro, NC 27401-2513, US 01/14/2019<br>Clerk of the Court - <del>01/26/2019</del> 01-14-2019 |
| #2  | 2pg | Hon Ashby Pritchett, Clerk of the Court PO Box 1206,<br>Martinsville Circuit CRT, Martinsville, VA 1206, US<br>01/14/2019                                    |
| #3  | 2pg | Scott Albrecht Public Defender Office, 31 P.O. Drawer,<br>Martinsville, VA 24114 US - 01/15/2019 01/18/2019  |
| #4  | 2pg | Clerk of the Court, U.S. District Court, Federal Building, 324<br>W Market St Suite 1, Greensboro, NC 27401-2513,<br>US 01/18/2019                           |
| #5  | 2pg | Office of VA Attorney General, 202 N 9TH ST<br>Virginia Attorney General, Richmond VA 23219 US<br>01/17/2019 - 7018-1130-0000-8936-6214 Certified            |
| #6  | 2pg | Administra Office Of Us Courts Admin. Office of US<br>Courts 1 Columbus CIR NE Probation Oversight Branch,<br>Washington, DC 20002 US [Urgent] 01/17/2019    |
| #7  | 4pg | Clerk of the Court, 210 Franklin Rd SW, U.S. District Court,<br>Roanoke VA 24014 US 01/18/2019   |
| #8  | 4pg | Chief of Police, Police of Martinsville, 55 W Church ST,<br>Municipal Building, Martinsville, VA 24112 US 01/22/2019   |
| #9  | 4pg | U.S. Federal Courthouse, Hon. Judge Joe Webster, Magistrate 323 E Chapel<br>Hill ST, Room 2, Durham, NC 27701-3351, US 01/24/2019                            |
| #10 | 4pg | Anand P Ramaswamy, AUSA United States Attorney 101 S Edgeworth ST<br>4th Floor, Greensboro NC 27401 US 01/24/2019  |
| #11 | 2pg | Attorney Scott Albrecht, Public Defender Office, 31 P.O. Drawer,<br>Martinsville, VA 24114 US 01/24/2019   |

# Exhibit 4

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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

January 19, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v Maryland, Giglio v U.S., Brian Hill hereby requests a copy of Police-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September 20, 2018, where I gave statements about the man wearing the hoodie, who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank you for your service.

My Respects,

Brian D. Hill (Signed)

Dated January 19, 2019

P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records

Brian David Hill #29947-057 Federal Correctional Institution 1  
Old NC Hwy 75; P.O. Box 1000 Butner, NC 27509  
JusticeForUSWGO.wordpress.com USWGO

(Letter 1)

January 20, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Department: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case

There are more facts that must be known about me in this case which involve my mental/neurological disability/handicap of Autism Spectrum Disorder. The man that had threatened to kill my mother Roberta Hill if I didn't get naked and take pictures of myself is a form of verbal sexual abuse similar to a pedophile threatening a kid to get naked. I almost would have gotten sexually taken advantage of by an inmate named Crutchfield while I'm being evaluated mentally here meaning, I would have been raped if other inmates with life sentences had not taken up for me and protected me that are against rape. Research on Google that people with Autism are more likely to be verbally and physically sexually abused. The man wearing the hoodie wanted to take advantage of me. Please contact Renetta Craighead of Piedmont Community Services and REACH. They will explain to you about my condition. I never should have been arrested and should have been placed in witness protection. This case should be dismissed. I am Innocent. Thank you.

My respects,

Brian D. Hill (Signed)

Dated January 20, 2019

Caretaker: Roberta Hill:  
276-790-3505, 276-224-7373  
Kenneth Forinash, U.S.A.F:  
276-632-2599, 276-224-4527

Brian David Hill #29947-057  
Federal Correctional Institution  
Old NC Hwy 75; PO Box 1000  
Butner, NC 27509

**Copy of note mailed with letter dated January 19, 2019**

**Chief of Police and Commonwealth Attorney in Martinsville,  
VA,**

**Please acknowledge receipt of letters. Please write response.**

**Thank you**

**Brian D. Hill**

**God bless you!**

**Note: In a week of no response, I will assume that it was lost  
and mail another copy. Thanks.**

**Note from Brian's grandparents. Brian wrote this on  
January 19, 2019 and January, 20, 2019. He received no  
response, He sent it again and received no response a week  
later. After waiting almost two months, his grandparents  
will have to go to the post office and send this out return  
receipt requested. You also should know that Brian has  
been on disability since the age of 19 months; has brittle  
diabetes requiring insulin shots, has seizures, autism, anxiety  
and OCD. His actions that night were not normal. He was a  
victim who was arrested and sent to jail by the police who  
are supposed to protect its citizens and disabled. Brian's  
mom and grandparents were at the trial and noticed the  
prosecuting attorney making derogatory comments and  
making fun of this disabled citizen of Martinsville in front of  
his family and many other people in the court room.**

*Brian, We are also sending a copy  
of the 3 page disabled parking placard  
with your disability (autism) &  
your name & address with this letter to chief of Police*

# Exhibit 5

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA



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## Useful for Martinsville Po

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Martinsville, VA -- The Martinsville Police Department says a small device has been making a big difference in fighting crime.

About a year ago, they got 38 cameras that the officers wear. They received the cameras because of a grant from the Virginia Municipal League. And they say they have really proven themselves.

Even on a very routine call, every word spoken and every movement taken will be captured clearly.

"Having this thing with us is like having someone with us whose memory is infallible," said Sgt. Chad Rhoads with the Martinsville Police Department.

Captain Eddie Cassady calls the cameras "like another officer" watching out for his force.

"They have been very useful for us," said Cassady.

For about a year, every Martinsville Police patrolling officer has worn one of these cameras. And for such a small device, it does a lot even capturing the sound of cars driving by in the distance.

"It helps clear up any disagreements. Anytime you talk to somebody, there are two different versions of what went on," said Rhodes.

And Rhoads explains, this camera shows the real version.

"It helps us investigate cases. It also helps us identify potential witnesses in other crime scenes too," said Cassady.

In the past few months, it did something they didn't even expect. When a man

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 07/26/2019 @10:59:43

TESTE: Jennifer C. Coplin  
CLERK DEPUTY CLERK



the Virginia Supreme Court) show that presenting evidence of Brian's November 12, 2014 federal conviction would be inadmissible as evidence and should be excluded from being presented to the jury, or that Hill should be allowed to present all of his actual innocence evidence (*including all Exhibits, 2255 brief/memorandum and fraud upon the court claims from that federal case*) from his Writ of Habeas Corpus petition (*still pending before the federal court, has not been dismissed, even till this day.*) in defense to the CA's use of a conviction that may or may not be a final decision.

### **ANALYSIS OF THE RULES:**

#### **1. RULES OF SUPREME COURT OF VIRGINIA**

##### **PART TWO**

##### **VIRGINIA RULES OF EVIDENCE**

##### **ARTICLE IV. RELEVANCY, POLICY, AND CHARACTER TRAIT PROOF**

##### **Rule 2:403 EXCLUSION OF RELEVANT EVIDENCE ON GROUNDS OF PREJUDICE, CONFUSION, MISLEADING THE JURY, OR NEEDLESS PRESENTATION OF CUMULATIVE EVIDENCE**

##### **Relevant evidence may be excluded if:**

- (a) the probative value of the evidence is substantially outweighed by (i) the danger of unfair prejudice, or (ii) its likelihood of confusing or misleading the trier of fact; or
- (b) the evidence is needlessly cumulative.

#### **2. RULES OF SUPREME COURT OF VIRGINIA**

##### **PART TWO**

##### **VIRGINIA RULES OF EVIDENCE**

##### **ARTICLE IV. RELEVANCY, POLICY, AND CHARACTER TRAIT PROOF**

##### **Rule 2:413. Evidence of similar crimes in child sexual offense cases (derived from Code § 18.2-67.7:1)**

(a) In a criminal case in which the defendant is accused of a felony sexual offense involving a child victim, evidence of the defendant's conviction of another sexual offense or offenses is admissible and may be considered for its bearing on any matter to which it is relevant.

(b) The Commonwealth shall provide to the defendant 14 days prior to trial notice of its intention to introduce copies of final orders evidencing the defendant's qualifying prior criminal convictions. Such notice shall include (i) the date of each prior conviction, (ii) the name and jurisdiction of the court where each prior conviction was obtained, and (iii) each offense of which the defendant was convicted. Prior to commencement of the trial, the Commonwealth shall provide to the defendant photocopies of certified copies of the final orders that it intends to introduce.

(c) This Rule shall not be construed to limit the admission or consideration of evidence under any other rule of court or statute.

(d) For purposes of this Rule, "sexual offense" means any offense or any attempt or conspiracy to engage in any offense described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 or § 18.2-370, 18.2-370.01, or 18.2-370.1 or any substantially similar offense under the laws of another state or territory of the United States, the District of Columbia, or the United States.

(e) Evidence offered in a criminal case pursuant to the provisions of this Rule shall be subject to exclusion in accordance with the Virginia Rules of Evidence, including but not limited to Rule 2:403.

Adopted and promulgated by Order dated July 1, 2014; effective July 1, 2014.

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First of all, the evidence of the federal criminal conviction itself may violate "Rule 2:403(a) the probative value of the evidence is substantially outweighed by (i) the danger of unfair prejudice" of the Virginia Rules of Evidence.

Second of all, the evidence of the federal criminal conviction itself may violate “Rule 2:413” of the Virginia Rules of Evidence.

Here are the facts which can be presented to the Court as to why Hill's past criminal conviction may not be admissible for this particular case and if the CA wishes to present such evidence, should be subject to suppression of the very evidence of Brian's federal criminal conviction on November, 2014:

Hill introduces the following evidence Exhibits in support of this motion:

Exhibit 1) The docket sheet of Brian's federal criminal case which was under a conviction in November 12, 2014, but the conviction is currently under a pending Writ of Habeas Corpus matter (*Title 28 U.S. Code § 2255*) constitutionally challenging such conviction which was filed in November 14, 2017, and is still pending before the court. A motion to vacate, set aside, or correct a sentence by a person under federal custody under Title 28 U.S. Code § 2255, is a statutory framework for the federal Writ of Habeas Corpus. It can also be considered a federal appeal by the state court, or that the decision is not final until the issues within a Writ of Habeas Corpus petition has been resolved. **Total of 19 pages.**

Exhibit 2) A 2-page letter to U.S. Magistrate Judge Joe Webster (presiding judge over the Writ of Habeas Corpus matter) had asserted that the Assistant U.S. Attorney had engaged in a fraud upon the court (*or was a victim of fraud upon the court if he didn't know the contradictory issues with the original prosecution evidence material*). A judgment may be void and not a final disposition if it was obtained by fraudulent evidence aka a “fraud upon the court” under *Chambers v. Nasco, Inc.*, 501 U.S. 32 (1991) of the U.S. Supreme Court regarding a Court's inherit powers to vacate an earlier judgment if such judgment was obtained by

fraud. The court is currently under the inherit authority of determining whether the prosecution had engaged in a fraud upon the court to obtain a wrongful conviction against Brian David Hill. Case 1:13-cr-00435-TDS, Document 169, Filed 01/30/19. **Total of 2 pages.**

Exhibit 3) The petition itself on the federal Writ of Habeas Corpus using the statute of Title 28 U.S. Code § 2255. One of the grounds is actual innocence, which is subject to remedy according to multiple U.S. Supreme Court rulings in regards to the Anti-Terrorism and Effective Death Penalty Act. **Total of 12 pages.**

Exhibit 4) Evidence filed of a 1-page Notice before a photocopy of a 2-page letter to the prosecuting attorney (*U.S. Attorney Assistant Anand Prakash Ramaswamy*) at the time in regards to the issues of a fraud upon the court. **Total of 3 pages.**

Because such federal conviction is still subject to collateral attack via Writ of Habeas Corpus for actual innocence claims, as well as the Court's inherit constitutional power to overturn an earlier judgment in a case if it learns that such judgment was obtained by a fraud upon the court. it is not a final disposition. Because of the issues regarding “fraud upon the court” being brought up in reference to the wrongful conviction of Brian David Hill, it is not a final conviction until the court makes such an investigation and determination into the “fraud upon the court” claim.

The CA should not bring up Brian's federal conviction on “possession of child pornography” from November 25, 2013 (charge) to November 12, 2014 (conviction) because such charge is not relevant to the elements of the indecent exposure charge since no children was involved in what had happened on September 21, 2018. The federal charge was over computer files which the federal prosecutor claimed was found

on Brian's computer but their claims/facts were subject to dispute by both the fraud upon the court claims and the Writ of Habeas Corpus petition. No child victims were possible during what happened on September 21, 2018, the indecent exposure allegations were around nighttime when nobody of the general public was out walking on the hiking trail (*noted: kids would normally be asleep during this time, who would walk on a hiking trail at night?*), this Commonwealth charge has nothing to do with children but about the issue of public nudity.

Virginia Rule 2:413(a) specifically says that “*In a criminal case in which the defendant is accused of a felony sexual offense involving a child victim, evidence of the defendant's conviction of another sexual offense or offenses is admissible and may be considered for its bearing on any matter to which it is relevant.*” The criminal conviction itself is not relevant to indecent exposure, especially when there was no obscenity involved and no masturbation in public. The police were even aware that there was no masturbation of what Martinsville Police Officer Sgt. R. D. Jones had saw when he testified to that regard on December 21, 2018 during the General District Court trial. Because Brian was just naked at night on a hiking trail, no playground, no actual park but a hiking trail with a lot of trees and high hills around the trail with just certain areas with some roads close by to the trail, Brian was not being obscene and had no intent to be indecent (carbon monoxide poisoning exposure) it is not at all relevant to the federal criminal charge. Three circuit court case laws had ruled precedent which would apply to this Circuit if they adopt the rulings from those Circuit Courts, that Brian had to be obscene in order to be guilty of indecent exposure (aka the “obscenity requirement”). There may be even more case laws that Brian had not discovered in regards to the obscenity requirement since using Westlaw law library on the jail tablets while in Western Virginia Regional Jail in late December, 2018. Even any Circuit court affirmed criminal convictions on indecent exposure would mean technical innocence for Brian if any of those decisions were also based on the obscenity requirement. Citing (1)

Kimberly F. Neice v. Commonwealth of Virginia, Record No. 1477-09-3 in the Circuit Court of Giles County; (2) A. M. v. Commonwealth of Virginia, Record No. 1150-12-4 in the Circuit Court of Shenandoah County; (3) Kenneth Samuel Moses v. Commonwealth of Virginia, Record No. 0985-03-3 in the Circuit Court of Richmond. Any more cases with the obscenity requirement would make very strong case law precedent with good reasoning as to why obscenity is required to be guilty of indecent exposure. That makes it critical that there is severe differences between the indecent exposure when Brian was 28 years old versus his 2013 charge of "possession of child pornography" back when Brian was 23 years old and was claiming actual innocence to that federal charge upon Writ of Habeas Corpus and fraud upon the court, none of those constitutional and inherit legal challenges have been resolved yet. The final disposition to Brian's sex charge and conviction in federal court may not even be final due to the Habeas Corpus and fraud upon the court filings on record. The Circuit Court cannot just make a decision on a federal court case in another state, in another jurisdiction while that court itself is determining whether it was victim of fraud upon the court which makes the final disposition VOID if the fraud is proven. Any decision by another Court to make a determination over the federal court while it is still making a determination over matters in such case causes disrespect for that court in that jurisdiction and overpowers their inherit ability to correct any frauds. All of this just because the CA wants to use Brian's federal conviction to unfairly persuade a jury that Brian is guilty of indecent exposure over another case in federal court.

Even if the conviction back in November 12, 2014, was a sex charge and indecent exposure is considered a sex charge, both charges are based on entirely different things, different facts, different circumstances, and different evidence. There was no indecent exposure in federal court, the Defendant was not caught naked by any North Carolina Police Department, it was entirely over their claims about files on a computer when the

State Bureau of Investigation (SBI”) would not even verify each supposed photo/file and the U.S. Attorney admits that there are no victims, that no victims can be identified (*in the Pre-sentence Investigation report*) which contradicts their claims that photos are supposed to be of children which were downloaded over a public Peer-to-Peer (“P2P”) file sharing network. Then the SBI also had admitted that files had been downloaded with the eMule program between July 20, 2012, and July 28, 2013. The computers were seized on August 28, 2012. So for 11 months files were supposedly downloading on Brian's computer when he didn't even have his computer. The controversy over Brian's child pornography possession charge was over discovery material facts that Brian wasn't even allowed to see by his ineffective court appointed lawyer until after he was convicted. Brian's conviction was fraudulent since Brian wasn't even able to review over all discovery materials turned over by the federal prosecutor until after he had falsely plead guilty. He didn't know what he had and could have won the jury trial had he known what was entirely in the discovery materials. Brian doesn't have \$100,000 or even \$300,000 for a private criminal defense lawyer or Habeas Corpus lawyer to represent him in federal court over his charge of possession of child pornography. Most average poor and middle class people cannot afford to pay these expensive legal fees just to have a good chance of being found actually innocent or not guilty of any particular sex charge for that matter. So many innocent people could be sitting on the Virginia Sex Offender Registry because they couldn't afford a good lawyer. Brian doesn't have the money for a lawyer to prove his actual innocence but had to fight to prove his actual innocence on his own based on what he had been able to review within the discovery evidence materials and other records, and the admissions by the federal prosecution. It is a fraud upon the court.

Yes Brian is on the Virginia Sex Offender Registry but that is only over his federal sex charge of possession of possible child pornography files but that is in dispute over a “fraud upon the court” claim and upon actual innocence assertion on a Writ of Habeas

Corpus petition. If Brian's conviction is overturned by Habeas Corpus and/or even the fraud upon the court inherit powers, then Brian is no longer to be a registered Sex Offender and is actually innocent but the court has yet to decide on his actual innocence evidence.

It is prejudicial to the jurors to hear of his federal conviction and what the federal conviction pertains to, because when the jurors hear the word "child porn" or "kiddie porn" then people will instantly go into an angry rage, filled with hate and their brains will just shut off. Then the jurors will be more likely to refuse to look at any evidence that the Defense will present during the jury trial. The jurors may convict Brian David Hill of this charge no matter what he presents, because they will be angry over hearing the subject matter of "child porn" and refuse to look at any evidence of Brian's actual innocence in regards to federal charge. Jurors will instantly ignore the carbon monoxide evidence, Brian's legal technical innocence, and will instantly believe that Brian is some kind of creep or pervert and refuse to look at any evidence because their minds may already be made up during the trial if that charge is ever brought up against the Defense. It will cause prejudice and bias, unfair advantage for the Commonwealth Attorney, and an unfair disadvantage with the Defense attorney and the Defendant.

Therefore for the following reasons, Hill respectfully requests with this honorable Court that the Court grant this motion to suppress the Commonwealth Attorney's ability to present evidence of Brian Hill's November 12, 2014 federal criminal conviction to the jury trial. It is clear with the Exhibits filed with this court, that Brian's conviction is being collaterally challenged by (1) actual innocence facts and (2) fraud upon the court claims which neither of those claims are time-barred. Brian's federal conviction should not be brought up at the jury trial since it will cause prejudice and unfair bias towards Hill. The Court should strike the CA's evidence regarding his federal charge and

conviction and should not even be allowed to have such wrongful conviction brought up as evidence for Hill's indecent exposure charge.

WHEREFORE, the Defendant, Brian David Hill, prays that this Court enter an Order suppressing and/or striking the evidence of Brian's federal criminal conviction and federal criminal charge in regards to the issues stated herein.

Hill respectfully files this Motion with this honorable Court, this the 26<sup>th</sup> day of July, 2019.

Signed, Brian D. Hill  
*Signed*  
Brian D. Hill (Pro Se)  
Phone #: 276-790-3505  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

**U.S.W.G.O.**

Amazon: The Frame Up of Journalist Brian D. Hill  
Stanley's 2255 blog: [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

**Qanon**

Brian D. Hill asks President Donald John Trump and QANON for help.

This pleading has been filed by hand delivery to the office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on July 26, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July, 2019, a true copy of the foregoing Motion/Pleading was hand delivered to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia.

Signed, Brian D. Hill  
*Signed*  
Brian D. Hill (Pro Se)  
Phone #: 276-790-3505  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

**U.S.W.G.O.**

Amazon: The Frame Up of Journalist Brian D. Hill  
Stanley's 2255 blog: [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

**Qanon**

Brian D. Hill asks President Donald John Trump and QANON for help.

# Exhibit 1

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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion to Suppress Evidence”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

**U.S. District Court  
North Carolina Middle District (NCMD)  
CRIMINAL DOCKET FOR CASE #: 1:13-cr-00435-TDS All Defendants**

Case title: USA v. HILL  
Related Case: 1:17-cv-01036-TDS-JLW

Date Filed: 11/25/2013  
Date Terminated: 11/12/2014

---

Assigned to: JUDGE THOMAS  
D. SCHROEDER

Appeals court case number:  
15-4057

**Defendant (1)**

**BRIAN DAVID HILL**  
*TERMINATED: 11/12/2014*

represented by **BRIAN DAVID HILL**  
310 FOREST STREET  
APARTMENT 1  
MARTINSVILLE, VA 24112  
PRO SE

**ERIC D. PLACKE**  
OFFICE OF FEDERAL PUBLIC DEFENDER  
301 N. ELM ST., STE. 410  
GREENSBORO, NC 27401  
336-333-5455  
Fax: 336-333-5463  
Email: [Eric.Placke@fd.org](mailto:Eric.Placke@fd.org)  
*TERMINATED: 09/30/2014*  
**LEAD ATTORNEY**  
*Designation: Public Defender or Community  
Defender Appointment*

**JOHN SCOTT COALTER**  
COALTER LAW, PLLC  
910 NORTH ELM STREET  
GREENSBORO, NC 27401  
336-549-5386  
Email: [scott@greensborolawyers.com](mailto:scott@greensborolawyers.com)  
*TERMINATED: 11/12/2014*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: CJA Appointment*

**RENORDA E. PRYOR**  
HERRING LAW CENTER  
1821 HILLANDALE ROAD, STE. 1B-220  
DURHAM, NC 27705  
919-355-5001  
Email: [rpryor@herringlawcenter.net](mailto:rpryor@herringlawcenter.net)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: CJA Appointment*

**Pending Counts**

18:2252A(a)(5)(B) and (b)(2)  
Possess child pornography of a  
prepubescent minor under 12  
years of age  
(1)

**Disposition**

Ten (10) months and twenty (20) days  
imprisonment, but not less than time served; ten (10)  
years supervised release; \$100.00 special assessment

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition****Highest Offense Level  
(Terminated)**

None

**Complaints**

None

**Disposition****Plaintiff**

USA

represented by **ANAND PRAKASH RAMASWAMY**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/25/2013	<u>1</u>	INDICTMENT as to BRIAN DAVID HILL (1) count(s) 1. (Daniel, J) (Entered: 11/26/2013)
11/26/2013	<u>2</u>	ARREST Warrant Issued in case as to BRIAN DAVID HILL. (Daniel, J) (Entered: 11/26/2013)
12/23/2013		Arrest of BRIAN DAVID HILL on 12/23/2013. (Starr, Logan) (Entered: 12/23/2013)
12/23/2013		Attorney update in case as to BRIAN DAVID HILL. Attorney ERIC D. PLACKE for BRIAN DAVID HILL added. (Starr, Logan) (Entered: 12/23/2013)

12/23/2013		Minute Entry for proceedings held before MAG/JUDGE L. PATRICK AULD:Initial Appearance as to BRIAN DAVID HILL held on 12/23/2013. Proceedings Recorded. AUSA Sandra Hairston appeared on behalf of the USA. (Williamson, Wanda) (Entered: 12/23/2013)
12/23/2013		Oral Motion Re: Detention by USA as to BRIAN DAVID HILL. (Williamson, Wanda) (Entered: 12/23/2013)
12/23/2013	<u>3</u>	SEALED FINANCIAL AFFIDAVIT by BRIAN DAVID HILL. (Daniel, J) (Entered: 12/23/2013)
12/23/2013	<u>4</u>	ORDER appointing Assistant Federal Public Defender ERIC D. PLACKE as counsel for BRIAN DAVID HILL. Signed by MAG/JUDGE L. PATRICK AULD on 12/23/2013. (Daniel, J) (Entered: 12/23/2013)
12/23/2013	<u>5</u>	ORDER SCHEDULING DETENTION HEARING/ARRAIGNMENT for 1/2/2014 at 2:30 PM in Winston-Salem Courtroom #3 before MAG/JUDGE JOI ELIZABETH PEAKE as to BRIAN DAVID HILL. Signed by MAG/JUDGE L. PATRICK AULD on 12/23/2013. (Daniel, J) (Entered: 12/23/2013)
12/27/2013	<u>6</u>	SEALED Pretrial Service Report. UPON COMPLETION OF THE DETENTION HEARING, ANY PAPER COPIES OF THE PRETRIAL SERVICES REPORT SHALL BE RETURNED TO THE PROBATION OFFICE. by Plaintiff USA, Defendant BRIAN DAVID HILL (Walser, Elizabeth) (Entered: 12/27/2013)
12/27/2013	<u>7</u>	ARREST Warrant Returned Executed on 12/20/2013 in case as to BRIAN DAVID HILL. (Daniel, J) (Entered: 12/30/2013)
01/02/2014		Minute Entry for proceedings held before MAG/JUDGE JOI ELIZABETH PEAKE:ARRAIGNMENT AND DETENTION HEARING as to BRIAN DAVID HILL (1) Count 1 held on 1/2/2014. AUSA Rob Lang, AFD Eric Placke present with defendant. Defendant(s) pleads NOT GUILTY to all charges. No evidence presented. Defendant's Counsel stipulated to presentence report and ask detention order be entered until suitable conditions of release could be presented to the Court. The government consented to this request. Written order forthcoming. Proceedings recorded. (Garrett, Kim) (Entered: 01/02/2014)
01/02/2014	<u>8</u>	SCHEDULING ORDER as to BRIAN DAVID HILL Signed by John S. Brubaker, Clerk, U. S. District Court. Motions due 1/15/14. Responses due 1/22/14. Motion Hearing on any motions set for 2/3/14 at 9:30 am in Greensboro, N.C. Plea Agreements, if any, due no later than 12:00 noon 1/30/14. Change of Plea Hearing at 9:30 a.m. on 2/3/14, in Greensboro, N.C. Counsel to notify U.S. Attorneys Office of any scheduling conflicts no later than 1/27/14. Jury Trial set for 2/10/14 at 9:30 am in Greensboro, N.C. unless otherwise instructed by the Court. Distributed on 01/02/14. (Garrett, Kim) (Entered: 01/02/2014)
01/03/2014	<u>9</u>	ORDER signed by MAG/JUDGE JOI ELIZABETH PEAKE on 1/2/2014, granting Government's Oral Motion for Detention without prejudice to Defendant moving to reopen these proceedings if he able to present a potential release plan for consideration by the Court as to BRIAN DAVID HILL (1). (Daniel, J) (Entered: 01/03/2014)
01/15/2014	<u>10</u>	MOTION for Extension of Time To File Motion Pretrial Motions until January 22, 2014 by BRIAN DAVID HILL. (Attachments: # <u>1</u> Text of Proposed Order)(PLACKE, ERIC) (Entered: 01/15/2014)
01/17/2014		Motion Submission as to BRIAN DAVID HILL re <u>10</u> MOTION for Extension of Time To File Motion Pretrial Motions until January 22, 2014 to JUDGE CATHERINE C. EAGLES. (Sanders, Marlene) (Entered: 01/17/2014)
01/17/2014	<u>11</u>	ORDER signed by JUDGE CATHERINE C. EAGLES on 1/17/2014; the pretrial motion deadline in this case is hereby extended until Wednesday, January 22, 2014. The deadline for responses is hereby extended until Wednesday, January 29, 2014. The Court finds that the ends of justice are best served by granting this extension, and that they outweigh the interest of the public and the Defendant in a speedy trial. Accordingly, the delay occasioned by the granting of this extension shall be excluded in computing the time within which the trial of any such offense must commence. See Title 18, United States Code, Section 3161(h)(7). (Sheets, Jamie) (Entered: 01/17/2014)

01/22/2014	<u>12</u>	MOTION for Psychiatric Exam – SEALED by USA, BRIAN DAVID HILL as to BRIAN DAVID HILL. Responses due by 2/18/2014 (Attachments: # <u>1</u> Text of Proposed Order)(PLACKE, ERIC) (Entered: 01/22/2014)
01/23/2014		Motion Submission as to BRIAN DAVID HILL re <u>12</u> MOTION for Psychiatric Exam – SEALED to JUDGE CATHERINE C. EAGLES. (Sanders, Marlene) (Entered: 01/23/2014)
01/23/2014	<u>13</u>	SEALED ORDER re: <u>12</u> Motion for Psychiatric Exam – SEALED filed by BRIAN DAVID HILL. Signed by JUDGE CATHERINE C. EAGLES on 1/23/2014. (Daniel, J) (Entered: 01/23/2014)
02/18/2014	<u>14</u>	SEALED ORDER. Signed by JUDGE CATHERINE C. EAGLES on 2/18/2014. (Daniel, J) (Entered: 02/19/2014)
04/21/2014	<u>15</u>	MOTION to Suppress Confession by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 04/23/2014)
04/21/2014	<u>16</u>	MOTION to Suppress Evidence by BRIAN DAVID HILL. (Attachments: # <u>1</u> Letter from Defendant, # <u>2</u> Envelope)(Daniel, J) (Entered: 04/23/2014)
05/08/2014	<u>17</u>	Psychiatric Report Received SEALED as to BRIAN DAVID HILL. (Daniel, J) (Entered: 05/08/2014)
06/04/2014		Minute Entry for proceedings held before JUDGE N. C. TILLEY, JR: AUSA Anand Ramaswamy appeared on behalf of the Government. FAFPD Eric Placke appeared as counsel for the defendant. Status Conference as to BRIAN DAVID HILL held on 6/4/2014. Defendant did not state a basis to support the Pro Se Motions to Suppress, therefore the court denied the Motions. The Court denies Pro Se Motion to Substitute Counsel. Jury Trial set for 6/9/2014 before Judge Osteen, Jr., Courtroom No. 1, Greensboro, NC. (Court Reporter Jane Calhoun.) (Winchester, Robin) (Entered: 06/04/2014)
06/04/2014		ORAL ORDER denying <u>15</u> Motion to Suppress as to BRIAN DAVID HILL (1); denying <u>16</u> Motion to Suppress as to BRIAN DAVID HILL (1) by JUDGE N. C. TILLEY, JR on 6/4/2014. See 6/4/2014 Minute Entry. (Winchester, Robin) (Entered: 06/04/2014)
06/04/2014		Set Hearing as to BRIAN DAVID HILL Jury Trial set for 6/9/2014 09:30 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEEN JR.. (Winchester, Robin) (Entered: 06/04/2014)
06/04/2014		Case as to BRIAN DAVID HILL assigned to Judge CHIEF JUDGE WILLIAM L. OSTEEEN JR. (Winchester, Robin) (Entered: 06/04/2014)
06/04/2014	<u>18</u>	MOTION to Continue Trial by BRIAN DAVID HILL. Responses due by 6/30/2014 (Attachments: # <u>1</u> Text of Proposed Order)(PLACKE, ERIC) (Entered: 06/04/2014)
06/05/2014		TEXT ORDER – The case of <u>United States v. Brian David Hill</u> was originally set for plea or trial during the June, 2014 Criminal Term. On June 4, 2014, a status conference was held, and following the status conference, this matter was set for trial beginning June 9, 2014, in Courtroom 1, apparently without objection. Later on June 4, 2014, counsel for Defendant filed a motion to continue. In light of the exceptional family circumstances described in the motion to continue, this court will continue jury selection and trial from June 9 to June 10 beginning at 11:00. If additional time is required to allow counsel and Defendant time to prepare for trial, the court will consider a request on June 10 to delay the start of the evidence until Wednesday, June 11, 2014. However, a further continuance to another term of court does not appear necessary in light of the fact counsel's motion suggests the requested delay is primarily for the purpose of allowing consultation between counsel and Defendant as to the court's rulings and to permit further plea discussions. Notably, the motion does not specifically identify any necessary trial preparation. [Issued by CHIEF JUDGE WILLIAM L. OSTEEEN, JR., on 6/5/2014.] (Cable, Frances) (Entered: 06/05/2014)
06/10/2014	<u>19</u>	Factual Basis Document as to BRIAN DAVID HILL filed on 6/10/2014 (Welch, Kelly) (Entered: 06/10/2014)

06/10/2014	<u>20</u>	PLEA AGREEMENT as to BRIAN DAVID HILL (Welch, Kelly) (Entered: 06/10/2014)
06/10/2014		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEEN JR. in G-1: CHANGE OF PLEA HEARING held on 6/10/2014. AUSA Anand Ramaswamy present on behalf of the Government. FAFPD Eric Placke present on behalf of the Defendant. Defendant present in custody. Defendant placed under oath and advised of rights/charges/penalties; Court reviews the plea agreement; BRIAN DAVID HILL (1) pleads GUILTY to Count 1. Court finds the Defendant is competent to enter a guilty plea; plea accepted and defendant adjudged GUILTY; Court orders the preparation of a Presentence Report, to be expedited. Court orders a psychosexual evaluation; (Sentencing set for 9/30/2014 09:30 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEEN JR.) (Court Reporter Joseph Armstrong.) (Welch, Kelly) (Entered: 06/10/2014)
08/11/2014	<u>21</u>	SEALED Draft Presentence Investigation Report as to BRIAN DAVID HILL. Per LCr32.2, the parties shall notify the probation officer of initial objections or corrections/modifications to the presentence report by 8/25/2014. Pleadings related to sentencing factors are due by 9/2/2014. (Whitten, Dana) (Entered: 08/11/2014)
08/19/2014	<u>22</u>	SEALED Response to Draft PSR – NOTICE TO PROBATION AND OPPOSING COUNSEL ONLY as to BRIAN DAVID HILL. (RAMASWAMY, ANAND) (Entered: 08/19/2014)
08/21/2014	<u>23</u>	Psychiatric Report Received SEALED dated 8/5/2014 in case as to BRIAN DAVID HILL. (Daniel, J) (Entered: 08/21/2014)
08/25/2014	<u>24</u>	SEALED Response to Draft PSR – NOTICE TO PROBATION AND OPPOSING COUNSEL ONLY as to BRIAN DAVID HILL. (PLACKE, ERIC) (Entered: 08/25/2014)
08/27/2014	<u>25</u>	SEALED MOTION to Withdraw as Counsel of Record and to Extend Deadline for Filing Sentencing Position Papers by BRIAN DAVID HILL as to BRIAN DAVID HILL. Responses due by 9/22/2014 (Attachments: # <u>1</u> Exhibit)(PLACKE, ERIC) (Entered: 08/27/2014)
09/02/2014	<u>26</u>	(SEALED) POSITION PAPER RE SENTENCING FACTORS – NOTICE TO THE COURT AND OPPOSING COUNSEL ONLY as to BRIAN DAVID HILL (PLACKE, ERIC) (Entered: 09/02/2014)
09/02/2014	<u>27</u>	MOTION filed by BRIAN DAVID HILL to Withdraw Guilty Plea. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/03/2014)
09/03/2014	<u>28</u>	FACTUAL STATEMENT of BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/03/2014)
09/03/2014		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEEN JR. in G-1: Motion Hearing as to BRIAN DAVID HILL held on 9/3/2014. AUSA Nick Matkins appeared on behalf of the Government. FAFPD Eric Placke appeared on behalf of the Defendant. For the reasons stated in the record the Court denied <u>25</u> SEALED Motion, and as a result of the denial of the motion, the Court finds the motion for extension of time to file sentencing pleadings is moot and therefore denied. (Court Reporter Joseph Armstrong.) (Welch, Kelly) (Entered: 09/04/2014)
09/09/2014	<u>29</u>	MOTION filed by BRIAN DAVID HILL to file more evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/09/2014)
09/10/2014	<u>30</u>	SUPPLEMENT filed by BRIAN DAVID HILL re: <u>29</u> MOTION to file more evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/10/2014)
09/10/2014	<u>31</u>	Additional Attachments to <u>30</u> Supplement. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/10/2014)
09/15/2014	<u>32</u>	MOTION by BRIAN DAVID HILL to file Evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/15/2014)
09/16/2014		Motion Submission as to BRIAN DAVID HILL re <u>29</u> MOTION to file more evidence, <u>27</u> MOTION to Withdraw Plea of Guilty, <u>32</u> MOTION to file evidence to CHIEF JUDGE WILLIAM L. OSTEEEN JR. (Welch, Kelly) (Entered: 09/16/2014)

09/16/2014	<u>33</u>	SEALED PRESENTENCE INVESTIGATION REPORT – FINAL as to BRIAN DAVID HILL. (Whitten, Dana) (Entered: 09/16/2014)
09/18/2014	<u>34</u>	MOTION to File Evidence filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Presidential Pardon Application, # <u>2</u> Envelope) (Sheets, Jamie) (Entered: 09/18/2014)
09/18/2014	<u>35</u>	MOTION entitled "Motion of Discovery" (Case files) filed by BRIAN DAVID HILL. (Sheets, Jamie) (Entered: 09/18/2014)
09/18/2014	<u>36</u>	MOTION entitled "Motion of Discovery" (forensic computer examination) filed by BRIAN DAVID HILL. (Sheets, Jamie) (Entered: 09/18/2014)
09/18/2014	<u>37</u>	MOTION entitled "Motion to File Evidence" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope) (Sheets, Jamie) (Entered: 09/18/2014)
09/22/2014	<u>38</u>	MOTION filed by BRIAN DAVID HILL of Evidence and Notification. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/23/2014)
09/23/2014	<u>39</u>	MOTION filed by BRIAN DAVID HILL for Substitution of Counsel. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/23/2014)
09/23/2014	<u>40</u>	MOTION filed by BRIAN DAVID HILL of Notification. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/23/2014)
09/26/2014	<u>41</u>	MOTION by BRIAN DAVID HILL to Declare. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/26/2014)
09/26/2014	<u>42</u>	MOTION by BRIAN DAVID HILL to Suppress Evidence & Suppress the Confession. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/26/2014)
09/26/2014	<u>43</u>	MOTION by BRIAN DAVID HILL to Withdraw Guilty Plea and Request a Trial. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/26/2014)
09/26/2014	<u>44</u>	MOTION by BRIAN DAVID HILL to Testify. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/26/2014)
09/26/2014	<u>45</u>	MOTION by BRIAN DAVID HILL to file Last Minute Evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/26/2014)
09/30/2014	<u>46</u>	DECLARATION of Susan Basko in Support of BRIAN DAVID HILL'S Motion to Withdraw Guilty Plea, Motion for a Substitute Attorney, Sentencing, and any other purposes. (Attachments: # <u>1</u> Envelope)(Welch, Kelly) (Entered: 09/30/2014)
09/30/2014		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEN JR. in G-1: Case called for Sentencing as to BRIAN DAVID HILL on 9/30/2014; AUSA Anand Ramaswamy appeared on behalf of the Government. FAFPD Eric Placke appeared on behalf of the Defendant. Defendant present in custody. In light of Defendants pro se statements, Court allows FAFPD Placke to withdraw as counsel of record; Court to appoint substitute counsel; Court ordered all discovery material previously provided by the United States to be sealed and can only be viewed by substitute counsel; FAFPD Placke returned discovery material to AUSA Ramaswamy at the conclusion of this hearing; Court ordered Government to subpoena Susan Basko to appear at the sentencing hearing (see pleading <u>46</u> ); Court continued sentencing in this matter to 11/7/2014 at 3:00 p.m. in Greensboro, Courtroom 1; Status Conference set for 10/15/2014 at 2:00 p.m. (Court Reporter Joseph Armstrong.) (Welch, Kelly) (Entered: 09/30/2014)
09/30/2014		Set Hearings as to BRIAN DAVID HILL: Sentencing reset for 11/7/2014 03:00 PM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEN JR. Status Conference set for 10/15/2014 02:00 PM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEN JR. (Welch, Kelly) (Entered: 09/30/2014)
10/01/2014	<u>47</u>	CJA 20 Appointment of Attorney JOHN SCOTT COALTER for BRIAN DAVID HILL.  <b>NOTICE: Pursuant to 18 U.S.C. section 3006A(d)(4), approved CJA voucher forms will be posted to CM/ECF. Appointed counsel is responsible for requesting redactions to information contained within CJA vouchers.</b>

		Signed by CHIEF JUDGE WILLIAM L. OSTEEEN JR. on 10/1/2014. (Attachments: # <u>1</u> CJA 20 Worksheets)(Daniel, J) (Entered: 10/01/2014)
10/06/2014	<u>48</u>	MOTION by BRIAN DAVID HILL to File Evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 10/07/2014)
10/06/2014	<u>49</u>	MOTION by BRIAN DAVID HILL to File Evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 10/07/2014)
10/07/2014	<u>50</u>	MOTION by BRIAN DAVID HILL to File Evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 10/07/2014)
10/07/2014	<u>51</u>	MOTION by BRIAN DAVID HILL to File Evidence. Responses due by 10/31/2014 (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 10/07/2014)
10/15/2014		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEEN JR. in G-1: Status Conference as to BRIAN DAVID HILL held on 10/15/2014. AUSA Anand Ramaswamy appeared on behalf of the Government. Attorney Scott Coalter appeared on behalf of the Defendant. Court addressed the status of this case with the parties; Defense counsel advised Mr. Hill doesn't want to withdraw his guilty plea and that he would be prepared to proceed with sentencing on 11/07/2014; Court allowed defendant until 10/27/2014 to file pleadings; Government's responses due 11/04/2014; (Court Reporter Joseph Armstrong.) (Welch, Kelly) (Entered: 10/15/2014)
10/24/2014	<u>52</u>	(SEALED) POSITION PAPER RE SENTENCING FACTORS – NOTICE TO THE COURT AND OPPOSING COUNSEL ONLY as to BRIAN DAVID HILL (COALTER, JOHN) (Entered: 10/24/2014)
10/29/2014	<u>53</u>	NOTICE by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope) (Sheets, Jamie) (Entered: 10/29/2014)
11/10/2014		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEEN JR. in G-1: Sentencing hearing as to BRIAN DAVID HILL held on 11/10/2014. AUSA Kyle Pousson appeared on behalf of the Government. Attorney Scott Coalter appeared on behalf of the Defendant. Defendant present in custody. For the reasons stated on the record, Court denied all pending pro se motions. (Court Reporter Joseph Armstrong.) (Welch, Kelly) (Entered: 11/10/2014)
11/10/2014		ORAL ORDER denying Pro se Motions; Documents <u>27</u> , <u>29</u> , <u>32</u> , <u>34</u> , <u>35</u> , <u>36</u> , <u>38</u> , <u>41</u> , <u>42</u> , <u>43</u> , <u>44</u> , <u>45</u> , <u>48</u> , <u>49</u> , <u>50</u> and <u>51</u> as to BRIAN DAVID HILL (1). Issued by CHIEF JUDGE WILLIAM L. OSTEEEN JR. on 11/10/14. (See Minute Entry on 11/10/2014.) (Welch, Kelly) (Entered: 11/10/2014)
11/12/2014	<u>54</u>	JUDGMENT as to BRIAN DAVID HILL (1), Count(s) 1, Ten (10) months and twenty (20) days imprisonment, but not less than time served; ten (10) years supervised release; \$100.00 special assessment. Signed by CHIEF JUDGE WILLIAM L. OSTEEEN JR. on 11/12/2014. (Daniel, J) (Entered: 11/12/2014)
01/12/2015	<u>55</u>	MOTION filed by BRIAN DAVID HILL for Extension of Time to file Notice of Appeal. (Attachments: # <u>1</u> Notice of Appeal, # <u>2</u> Complaint, # <u>3</u> Additional Evidence, # <u>4</u> Envelope)(Daniel, J) (Entered: 01/13/2015)
01/13/2015		Motion Submission as to BRIAN DAVID HILL re <u>55</u> MOTION for Extension of Time to File Notice of Appeal to CHIEF JUDGE WILLIAM L. OSTEEEN JR. (Welch, Kelly) (Entered: 01/13/2015)
01/15/2015	<u>56</u>	NOTICE filed by BRIAN DAVID HILL of Motion to Extend Time to file Appeal. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 01/15/2015)
01/16/2015	<u>57</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEEN JR. on 1/16/2015; that Defendant's pro se Motion to Extend Time to File Appeal (Doc. <u>55</u> ) is <b>DENIED</b> . (Sheets, Jamie) (Entered: 01/16/2015)
01/26/2015	<u>58</u>	MOTION by BRIAN DAVID HILL to Stay Judgment. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 01/26/2015)
01/26/2015	<u>59</u>	MOTION by BRIAN DAVID HILL to Request a Delay on Destruction of Property. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 01/26/2015)

01/26/2015	<u>60</u>	New Evidence by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 01/26/2015)
01/26/2015	<u>61</u>	New Evidence Brief by BRIAN DAVID HILL re: <u>60</u> New Evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 01/26/2015)
01/29/2015	<u>62</u>	NOTICE OF APPEAL without payment of fees filed by BRIAN DAVID HILL re: <u>54</u> Judgment and <u>57</u> Order. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 01/29/2015)
01/29/2015	<u>63</u>	Transmission of Notice of Appeal and Docket Sheet as to BRIAN DAVID HILL to US Court of Appeals re: <u>62</u> Notice of Appeal Without Fee Payment. (Daniel, J) (Entered: 01/29/2015)
01/30/2015	<u>64</u>	NOTICE of Docketing Appeal from USCA as to BRIAN DAVID HILL re: <u>62</u> Notice of Appeal Without Fee Payment. USCA Case Mgr. Cathi Bennett; USCA Case Number 15-4057. (Daniel, J) (Entered: 01/30/2015)
02/02/2015	<u>65</u>	REQUEST by BRIAN DAVID HILL for Transcript. (Attachments: # <u>1</u> CJA 24 & Letter to Court Reporter, # <u>2</u> Envelope)(Daniel, J) (Entered: 02/03/2015)
02/02/2015	<u>66</u>	REQUEST by BRIAN DAVID HILL for Transcripts. (Attachments: # <u>1</u> CJA 24(s))(Daniel, J) (Entered: 02/03/2015)
02/03/2015	<u>67</u>	CJA 20 as to BRIAN DAVID HILL Authorization to Pay John S. Coalter in the amount of \$4,680.48, Voucher #141216000106. Signed by CHIEF JUDGE WILLIAM L. OSTEEEN JR. on 12/30/2014. (Daniel, J) (Entered: 02/03/2015)
02/03/2015	<u>68</u>	SEALED Attachments to <u>67</u> CJA 20 - Authorization to Pay in case as to BRIAN DAVID HILL (1). (Daniel, J) (Entered: 02/03/2015)
02/05/2015	<u>69</u>	USCA ORDER appointing <b>Mark A. Jones</b> as counsel for BRIAN DAVID HILL re: <u>62</u> Notice of Appeal Without Fee Payment. USCA Case #15-4057. (Daniel, J) (Entered: 02/06/2015)
03/30/2015	<u>70</u>	Letter/MOTION by BRIAN DAVID HILL for certified copies of all documents or information including all SEALED documents for this case. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 03/30/2015)
04/03/2015	<u>71</u>	New Evidence for a New Trial, Habeas Corpus Petition (2255 Motion), Judgment of Acquittal, to overturn the conviction, or any other purpose filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Envelope)(Daniel, J) (Entered: 04/07/2015)
04/06/2015	<u>72</u>	Correction to New Evidence for a New Trial, Habeas Corpus Petition (2255 Motion), Judgment of Acquittal, to overturn the conviction, or any other purpose filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Additional attachment(s) added on 4/7/2015: # <u>2</u> Affidavit of Brian David Hill) (Daniel, J). (Entered: 04/07/2015)
04/06/2015	<u>73</u>	Additional Evidence for a New Trial, Habeas Corpus Petition (2255 Motion), Judgment of Acquittal, to overturn the conviction, or any other purpose filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 04/07/2015)
04/07/2015	<u>74</u>	USCA OPINION affirming in part; dismissed in part in case as to BRIAN DAVID HILL. USCA Case #15-4057. (Daniel, J) (Entered: 04/07/2015)
04/07/2015	<u>75</u>	JUDGMENT of USCA. In accordance with the decision of this court, the judgment of the district court is affirmed in part. The appeal is dismissed in part. This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41 in case as to BRIAN DAVID HILL. USCA Case #15-4057. (Daniel, J) (Entered: 04/07/2015)
04/13/2015		Motion Submission as to BRIAN DAVID HILL re <u>70</u> MOTION for certified copies of all documents or information including all SEALED documents, <u>58</u> MOTION to Stay, <u>59</u> MOTION to Request a Delay on Destruction of Property to CHIEF JUDGE WILLIAM L. OSTEEEN JR. (Welch, Kelly) (Entered: 04/13/2015)

04/22/2015		Case as to BRIAN DAVID HILL referred to CHIEF JUDGE WILLIAM L. OSTEEEN JR., re: Prob 12B. (Daniel, J) (Entered: 04/22/2015)
04/22/2015	<u>76</u>	MOTION by BRIAN DAVID HILL requesting computer forensic examination in preparation for a writ of habeas corpus. (Daniel, J) (Entered: 04/23/2015)
04/22/2015	<u>77</u>	DECLARATION by BRIAN DAVID HILL on conditions at the times of false admissions of guilt. (Daniel, J) (Entered: 04/23/2015)
04/23/2015	<u>78</u>	Letter to BRIAN DAVID HILL regarding proper filing of court documents. (Daniel, J) (Entered: 04/24/2015)
04/27/2015	<u>79</u>	LETTER to Judge filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope) (Daniel, J) (Entered: 04/27/2015)
04/27/2015	<u>80</u>	MOTION by BRIAN DAVID HILL to Strike and Rule out Psychiatric Diagnosis. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Envelope)(Daniel, J) (Exhibit E replaced with correct image on 4/28/2015) (Daniel, J). (# <u>7</u> Exhibit F) (Daniel, J) (Entered: 04/27/2015)
04/27/2015	<u>81</u>	MOTION by BRIAN DAVID HILL requesting for Autism Expert Testimony in preparation for Writ of Habeas Corpus. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 04/27/2015)
04/27/2015	<u>82</u>	SECOND DECLARATION by BRIAN DAVID HILL on conditions at the times of false admissions of guilt. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 04/27/2015)
04/27/2015	<u>83</u>	EVIDENCE by BRIAN DAVID HILL of the fact IP Address 24.148.156.211 was well known to other people prior to it being flagged or manually entered in Boca Raton. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 04/27/2015)
04/27/2015	<u>84</u>	EVIDENCE by BRIAN DAVID HILL of first Joy Strickland email proving prior warning to NC SBI agent Rodney White on defendant's innocence. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Envelope)(Daniel, J) (Entered: 04/27/2015)
04/28/2015		Motion Submission as to BRIAN DAVID HILL re: <u>76</u> MOTION for Discovery, <u>80</u> MOTION to Strike, <u>81</u> MOTION Requesting Autism Expert Testimony in preparation for Writ of Habeas Corpus, to CHIEF JUDGE WILLIAM L. OSTEEEN JR. (Welch, Kelly) (Entered: 04/28/2015)
04/29/2015	<u>85</u>	MANDATE of USCA. The judgment of this court, entered April 7, 2015, takes effect today. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure as to BRIAN DAVID HILL. USCA Case #15-4507. (Daniel, J) (Entered: 04/29/2015)
04/29/2015	<u>86</u>	Probation form 12B Petition for Modification of Conditions of Probation with Consent of the Offender as to BRIAN DAVID HILL. Signed by CHIEF JUDGE WILLIAM L. OSTEEEN JR. on 4/29/2015. (Daniel, J) (Entered: 04/29/2015)
04/29/2015	<u>87</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEEN JR. on 4/29/2015, that Defendant's pro se Motion to Stay Judgment (Doc. <u>58</u> ), Motion to Request a Delay on Destruction of Property (Doc. <u>59</u> ), Letter/Motion requesting certified copies of documents (Doc. <u>70</u> ), Motion for Requesting Computer Forensic Examination (Doc. <u>76</u> ), Motion to Strike and Rule out Psychiatric Diagnosis (Doc. <u>80</u> ), and Motion for Requesting Autism Expert Testimony (Doc. <u>81</u> ) are <b>DENIED</b> for lack of good cause as to BRIAN DAVID HILL (1). (Daniel, J) (Entered: 04/29/2015)
04/29/2015	<u>88</u>	ORDER FOR WARRANT as to BRIAN DAVID HILL. Signed by CHIEF JUDGE WILLIAM L. OSTEEEN JR. on 4/29/2015. (Daniel, J) Modified on 5/27/2015 to unseal document (Garrett, Kim). (Entered: 04/29/2015)
04/29/2015	<u>89</u>	Warrant Issued SRV as to BRIAN DAVID HILL. (Daniel, J) Modified on 5/27/2015 to unseal document(Garrett, Kim). (Entered: 04/29/2015)
05/05/2015	<u>90</u>	USCA ORDER granting counsel's motion to withdraw in case as to BRIAN DAVID HILL. USCA Case #15-4057. (Daniel, J) (Entered: 05/05/2015)

05/28/2015		Minute Entry for proceedings held before MAG/JUDGE JOI ELIZABETH PEAKE:Initial Appearance for Violators in case as to BRIAN DAVID HILL held on 5/28/2015. AUSA Randall Galyon. Proceedings recorded. (Garrett, Kim) (Entered: 05/28/2015)
05/28/2015		Oral Motion Re: Detention by USA as to BRIAN DAVID HILL. (Garrett, Kim) (Entered: 05/28/2015)
05/28/2015	<u>91</u>	SEALED FINANCIAL AFFIDAVIT by BRIAN DAVID HILL (Garrett, Kim) (Entered: 05/28/2015)
05/28/2015	<u>92</u>	CJA 20 Appointment of Attorney RENORDA E. PRYOR for BRIAN DAVID HILL.  <b>NOTICE: Pursuant to 18 U.S.C. section 3006A(d)(4), approved CJA voucher forms will be posted to CM/ECF. Appointed counsel is responsible for requesting redactions to information contained within CJA vouchers.</b>  Signed by MAG/JUDGE JOI ELIZABETH PEAKE on 05/28/15. (Attachments: # <u>1</u> CJA Worksheets) (Garrett, Kim) (Entered: 05/28/2015)
05/28/2015	<u>93</u>	ORDER SCHEDULING DETENTION/PRELIMINARY REVOCATION HEARING as to BRIAN DAVID HILL Detention/Preliminary Revocation Hearing set for 6/4/2015 02:30 PM in Winston-Salem Courtroom #3 before MAG/JUDGE JOI ELIZABETH PEAKE. Signed by MAG/JUDGE JOI ELIZABETH PEAKE on 05/28/15. (Garrett, Kim) (Entered: 05/28/2015)
05/28/2015	<u>94</u>	SRV Warrant Returned Executed on 5/27/2015 in case as to BRIAN DAVID HILL. (Daniel, J) (Entered: 05/29/2015)
05/29/2015	<u>95</u>	Emergency MOTION by BRIAN DAVID HILL to Recuse Judge. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 05/29/2015)
05/29/2015	<u>96</u>	Emergency MOTION by BRIAN DAVID HILL for Private Counsel. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 05/29/2015)
05/29/2015	<u>97</u>	NOTICE by BRIAN DAVID HILL of Deteriorating Health. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 05/29/2015)
05/29/2015	<u>98</u>	DECLARATION on Probation Issue by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 05/29/2015)
06/01/2015	<u>100</u>	MOTION by BRIAN DAVID HILL for Case Dismissal. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 06/02/2015)
06/01/2015	<u>101</u>	DECLARATION by BRIAN DAVID HILL re: <u>100</u> Motion for Case Dismissal. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 06/02/2015)
06/02/2015	<u>99</u>	First MOTION to Continue <i>Detention and Preliminary Revocation Hearing</i> by BRIAN DAVID HILL. (Attachments: # <u>1</u> Text of Proposed Order)(PRYOR, RENORDA) (Entered: 06/02/2015)
06/03/2015		Motions Referred: RE: <u>99</u> First MOTION to Continue <i>Detention and Preliminary Revocation Hearing</i> , to MAG/JUDGE JOI ELIZABETH PEAKE (Garrett, Kim) (Entered: 06/03/2015)
06/03/2015	<u>102</u>	ORDER signed by MAG/JUDGE JOI ELIZABETH PEAKE on 6/3/2015, that the Defendant's Motion to Continue (Doc. # <u>99</u> ) is GRANTED, and the Detention and Preliminary Revocation Hearing is continued until 6/11/2015 in case as to BRIAN DAVID HILL (1). (Daniel, J) (Entered: 06/03/2015)
06/03/2015	<u>104</u>	DECLARATION by BRIAN DAVID HILL for Probable Cause hearing and any other purposes. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 06/04/2015)
06/04/2015	<u>103</u>	NOTICE OF HEARING as to BRIAN DAVID HILL: Final Hearing re Revocation of Supervised Release set for 6/25/2015 09:30 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR. (Welch, Kelly) (Entered: 06/04/2015)
06/04/2015		Motion Submission as to BRIAN DAVID HILL re <u>95</u> MOTION for Recusal, <u>96</u> MOTION to Appoint Attorney, <u>100</u> MOTION to Dismiss to CHIEF JUDGE WILLIAM L. OSTEEN JR. (Welch, Kelly) (Entered: 06/04/2015)

06/05/2015		Reset Hearings as to BRIAN DAVID HILL: Detention/Preliminary Revocation Hearing set for 6/11/2015 02:30 PM in Winston-Salem Courtroom #3 before MAG/JUDGE JOI ELIZABETH PEAKE. (Garrett, Kim) (Entered: 06/05/2015)
06/05/2015	<u>105</u>	LETTER by BRIAN DAVID HILL {Entitled "Opinion on Judge Osteen"}. (Attachments: # <u>1</u> Deft's Letter "Promise of Change following Reinstatement of Supervised Release", # <u>2</u> Envelope) (Daniel, J) (Entered: 06/08/2015)
06/08/2015		Case as to BRIAN DAVID HILL Reassigned to JUDGE THOMAS D. SCHROEDER. CHIEF JUDGE WILLIAM L. OSTEEN JR. no longer assigned to the case. (Powell, Gloria) (Entered: 06/08/2015)
06/08/2015	<u>106</u>	LETTER by BRIAN DAVID HILL {Entitled "Defendant Begs Probation Office"}. (Attachments: # <u>1</u> Deft's Letter "Health Deterioration Report #1/Week1", # <u>2</u> Envelope) (Daniel, J) (Entered: 06/08/2015)
06/09/2015	<u>107</u>	NOTICE of Rescheduling: Final Revocation Hearing set for 6/30/2015 at 02:00 PM in Winston-Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Engle, Anita) (Main Document 107 replaced on 6/9/2015) (Engle, Anita). (Entered: 06/09/2015)
06/11/2015		Minute Entry for proceedings held before MAG/JUDGE JOI ELIZABETH PEAKE:PRELIMINARY REVOCATION AND DETENTION HEARING as to BRIAN DAVID HILL held on 6/11/2015. AUSA Drew Cochran. Attorney Renorda Pryor present with defendant. Evidence presented. Probable cause found. Defendant detained. Written order forthcoming. Proceedings recorded. (Garrett, Kim) (Entered: 06/11/2015)
06/15/2015	<u>108</u>	LETTER filed by BRIAN DAVID HILL {Entitled "Health Deterioration Report #2/Week 2"}. (Attachments: # <u>1</u> Envelope) (Daniel, J) (Entered: 06/15/2015)
06/16/2015	<u>109</u>	REQUEST by BRIAN DAVID HILL for Transcripts. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 06/16/2015)
06/17/2015	<u>110</u>	ORDER granting Oral Motion as to BRIAN DAVID HILL (1) signed by MAG/JUDGE JOI ELIZABETH PEAKE on 6/17/2015; that Defendant be held in custody until the final revocation hearing in this matter. (Sheets, Jamie) (Entered: 06/17/2015)
06/18/2015	<u>111</u>	REQUEST by BRIAN DAVID HILL {Entitled "Request for Expediation of Revocation Hearing – Emergency Request/Motion"}. (Attachments: # <u>1</u> Complaint, # <u>2</u> Envelope)(Daniel, J) (Entered: 06/19/2015)
06/18/2015	<u>112</u>	DECLARATION filed by BRIAN DAVID HILL {Entitled "Declaration of Suffering and Recommendation for Release to Mental Hospital Pending Further Proceedings – Motion (Petition)"}. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 06/19/2015)
06/24/2015	<u>113</u>	<p>TRANSCRIPT of Plea as to BRIAN DAVID HILL for dates of 06/10/2014 before Judge William L. Osteen, Jr., Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.</p> <p><b>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.</b></p> <p>Redaction Request due 7/20/2015. Redacted Transcript Deadline set for 7/30/2015. Release of Transcript Restriction set for 9/25/2015. (Armstrong, Joe) (Entered: 06/24/2015)</p>
06/24/2015	<u>114</u>	TRANSCRIPT of Motion Hearing as to BRIAN DAVID HILL for dates of 09/03/2014 before Judge William L. Osteen, Jr., Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the

		<p>deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.</p> <p><b>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.</b></p> <p>Redaction Request due 7/20/2015. Redacted Transcript Deadline set for 7/30/2015. Release of Transcript Restriction set for 9/25/2015. (Armstrong, Joe) (Entered: 06/24/2015)</p>
06/24/2015	<u>115</u>	<p>TRANSCRIPT of Hearing as to BRIAN DAVID HILL for dates of 09/30/2014 before Judge William L. Osteen, Jr., Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.</p> <p><b>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.</b></p> <p>Redaction Request due 7/20/2015. Redacted Transcript Deadline set for 7/30/2015. Release of Transcript Restriction set for 9/25/2015. (Armstrong, Joe) (Entered: 06/24/2015)</p>
06/24/2015	<u>116</u>	<p>TRANSCRIPT of Status Conference as to BRIAN DAVID HILL for dates of 10/15/2014 before Judge William L. Osteen, Jr., Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.</p> <p><b>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.</b></p> <p>Redaction Request due 7/20/2015. Redacted Transcript Deadline set for 7/30/2015. Release of Transcript Restriction set for 9/25/2015. (Armstrong, Joe) (Entered: 06/24/2015)</p>
06/24/2015	<u>117</u>	<p>TRANSCRIPT of Sentencing as to BRIAN DAVID HILL for dates of 11/10/2014 before Judge William L. Osteen, Jr., Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.</p> <p><b>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.</b></p> <p>Redaction Request due 7/20/2015. Redacted Transcript Deadline set for 7/30/2015. Release of Transcript Restriction set for 9/25/2015. (Armstrong, Joe) (Entered: 06/24/2015)</p>

06/30/2015		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: FINAL HEARING RE REVOCATION OF SUPERVISED RELEASE as to BRIAN DAVID HILL held on 6/30/2015. Matter is contested. The Defendant denies violations and evidence is presented (see witness and exhibit list). The Court finds the Defendant in violation and continues the Defendant on supervision. Defendant withdraws all Pro se filings filed prior to 6/30/2015 hearing. Defendant is in the custody of the United States Marshal. AUSA Anand Ramaswamy appeared on behalf of the Government. Attorney Renorda Pryor appeared as counsel for the Defendant. (Court Reporter Briana Nesbit.) (Engle, Anita) (Entered: 07/01/2015)
07/01/2015		TEXT ORDER by JUDGE THOMAS D. SCHROEDER on 7/1/2015 as to BRIAN DAVID HILL. Defendant withdraws all Pro se filings filed prior to the 6/30/2015 Supervised Release Violation Hearing including <u>97</u> Notice-Other filed by BRIAN DAVID HILL, <u>104</u> Declaration filed by BRIAN DAVID HILL, <u>108</u> Letter filed by BRIAN DAVID HILL, <u>111</u> Request filed by BRIAN DAVID HILL, <u>98</u> Declaration, <u>106</u> Letter filed by BRIAN DAVID HILL, <u>112</u> Declaration, <u>105</u> Letter filed by BRIAN DAVID HILL, and <u>109</u> Request filed by BRIAN DAVID HILL. All motions are denied as moot (see 6/30/2015 Minute Entry). (Engle, Anita) Docket Entry Modified on 7/8/2015 (Kemp, Donita). (Entered: 07/01/2015)
07/01/2015	<u>118</u>	***FILED IN ERROR*** OPINION filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope) (Daniel, J) Modified on 7/2/2015 to reflect filed in error. (Entered: 07/01/2015)
07/01/2015	<u>119</u>	***FILED IN ERROR*** DIABETIC SEIZURE REPORT #1 filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope) (Daniel, J) Modified on 7/2/2015 to reflect filed in error. (Entered: 07/01/2015)
07/01/2015	<u>120</u>	***FILED IN ERROR*** EMERGENCY MOTION filed by BRIAN DAVID HILL for Autism Expert for Revocation Hearing. (Attachments: # <u>1</u> Envelope)(Daniel, J) Modified on 7/2/2015 to reflect filed in error. (Entered: 07/01/2015)
07/01/2015	<u>121</u>	***FILED IN ERROR*** NOTICE filed by BRIAN DAVID HILL of Recanting Testimonial Statement. (Attachments: # <u>1</u> Letters)(Daniel, J) Modified on 7/2/2015 to reflect filed in error. (Entered: 07/01/2015)
07/02/2015		NOTICE of Docket Text/Event Modification as to defendant BRIAN DAVID HILL re: <u>118</u> OPINION, <u>119</u> DIABETIC SEIZURE REPORT #1, <u>120</u> EMERGENCY MOTION for Autism Expert for Revocation Hearing, <u>121</u> NOTICE of Recanting Testimonial Statement removed from the docket and released to the Defendant's attorney. (Daniel, J) (Entered: 07/02/2015)
07/24/2015	<u>122</u>	ORDER Supervised Release Violation Hearing signed by JUDGE THOMAS D. SCHROEDER on 7/23/2015. Defendant's supervised release is not revoked and the Defendant is to remain on supervised release. The Defendant shall participate in a cognitive behavioral treatment program and location monitoring home detention program as set out herein. All other terms and conditions of supervised release as previously imposed remain in full force and effect in case as to BRIAN DAVID HILL (1). (Daniel, J) (Entered: 07/24/2015)
08/21/2015	<u>123</u>	TRANSCRIPT of Proceedings as to BRIAN DAVID HILL SRV hearing for dates of 6/30/2015 before Judge Thomas D. Schroeder, Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.  <b>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.</b>  Redaction Request due 9/14/2015. Redacted Transcript Deadline set for 9/24/2015. Release of Transcript Restriction set for 11/23/2015. (Nesbit, Brianna) (Entered: 08/21/2015)

08/28/2015		Case as to BRIAN DAVID HILL referred to CHIEF JUDGE WILLIAM L. OSTEEEN, JR. RE: PROB 12A. (Israel, Lisa) (Entered: 08/28/2015)
09/01/2015		Case as to BRIAN DAVID HILL referred to JUDGE THOMAS D. SCHROEDER RE: PROB 12A. (Israel, Lisa) (Entered: 09/01/2015)
09/04/2015	<u>124</u>	PROBATION PETITION/ORDER adopting the Recommendation(s) of the Probation Officer in case as to BRIAN DAVID HILL. Signed by JUDGE THOMAS D. SCHROEDER on 9/2/2015. (Sheets, Jamie) (Entered: 09/04/2015)
09/22/2015		Case as to BRIAN DAVID HILL referred to JUDGE THOMAS D. SCHROEDER re: Prob 22. (Daniel, J) (Entered: 09/22/2015)
11/14/2017	<u>125</u>	MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255) by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope)(Taylor, Abby) Civil case 1:17-cv-01036-TDS opened. (Entered: 11/14/2017)
11/14/2017	<u>126</u>	MOTION/APPLICATION for IFP by BRIAN DAVID HILL. (Taylor, Abby) (Entered: 11/14/2017)
11/14/2017	<u>127</u>	NOTICE by BRIAN DAVID HILL re <u>125</u> MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255) Civil Case 1:17CV1036. (Taylor, Abby) (Entered: 11/14/2017)
11/14/2017	<u>128</u>	MEMORANDUM by BRIAN DAVID HILL re <u>125</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by BRIAN DAVID HILL. Civil Case 1:17CV1036. (Attachments: # <u>1</u> Additional Attachments, # <u>2</u> Additional attachments)(Taylor, Abby) (Entered: 11/14/2017)
11/14/2017	<u>129</u>	DECLARATION by BRIAN DAVID HILL re <u>125</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by BRIAN DAVID HILL. Civil Case 1:17CV1036. (Taylor, Abby) (Entered: 11/14/2017)
11/14/2017	<u>130</u>	SECOND DECLARATION by BRIAN DAVID HILL re <u>125</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by BRIAN DAVID HILL. Civil Case 1:17CV1036. (Taylor, Abby) (Entered: 11/14/2017)
11/14/2017	<u>131</u>	EXHIBITS 1-12 by BRIAN DAVID HILL re <u>128</u> Memorandum. Civil Case 1:17CV1036. (Taylor, Abby) (Additional attachment(s) added on 11/15/2017: # <u>1</u> Envelope) (Taylor, Abby). (Entered: 11/15/2017)
11/14/2017	<u>132</u>	EXHIBITS 13-32 by BRIAN DAVID HILL re <u>128</u> Memorandum. Civil Case 1:17CV1036. (Taylor, Abby) (Entered: 11/15/2017)
11/14/2017	<u>133</u>	EXHIBITS 33-45 by BRIAN DAVID HILL re <u>128</u> Memorandum. Civil Case 1:17CV1036. (Taylor, Abby) (Entered: 11/15/2017)
11/14/2017	<u>134</u>	EXHIBITS 46-53 by BRIAN DAVID HILL re <u>128</u> Memorandum. Civil Case 1:17CV1036. (Taylor, Abby) Modified on 11/16/2017, Exhibit no. 49 Stricken, see <u>135</u> Order. (Taylor, Abby). (Entered: 11/15/2017)
11/15/2017		CASE REFERRED for Screening <u>126</u> MOTION/APPLICATION for IFP, <u>125</u> MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255) (Taylor, Abby) (Entered: 11/15/2017)
11/16/2017	<u>135</u>	ORDER signed by MAG/JUDGE JOE L. WEBSTER on 11/16/2017, that Petitioner's Application (Docket Entry <u>126</u> ) to proceed in forma pauperis is denied, that Exhibit 49 as contained in Docket Entry <u>134</u> is stricken and will be removed from the record, and that the United States Attorney is directed to file a Response to Petitioner's § 2255 Motion (Docket Entry <u>125</u> ) within sixty (60) days from the date of the entry of this Order. Civil Case 1:17CV1036. (Taylor, Abby) (Entered: 11/16/2017)
11/16/2017		Set/Response Deadline in case as to BRIAN DAVID HILL <u>125</u> MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255). Responses due by 1/15/2018. Civil Case 1:17CV1036. (Taylor, Abby) (Entered: 11/16/2017)
12/04/2017	<u>136</u>	DECLARATION entitled "Third Additional Evidence Declaration" filed by BRIAN DAVID HILL re <u>128</u> Memorandum. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Certificate of Service, # <u>6</u> Envelope - Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 12/06/2017)

12/04/2017	<u>137</u>	DECLARATION entitled "fifth Additional Evidence Declaration" filed by BRIAN DAVID HILL re <u>128</u> Memorandum. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Certificate of Service, # <u>2</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 12/06/2017)
12/04/2017	<u>138</u>	DECLARATION entitled "Redacted Fourth Additional Evidence Declaration", filed by BRIAN DAVID HILL re <u>128</u> Memorandum. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope – Front and Back) (Garland, Leah) (Entered: 12/07/2017)
12/04/2017	<u>139</u>	SEALED UNREDACTED DECLARATION entitled "Sealed Fourth Additional Evidence Declaration" filed BRIAN DAVID HILL. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope – Front and Back) (Garland, Leah) (Entered: 12/07/2017)
12/07/2017	<u>140</u>	MOTION to Seal entitled "Defendant's/Petitioner's Motion and Brief to File under Seal" re: <u>137</u> Fourth Additional Evidence Declaration, filed by BRIAN DAVID HILL. Response to Motion due by 12/28/2017 (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 12/07/2017)
01/10/2018	<u>141</u>	MOTION to Dismiss <i>Motion to Vacate, Set Aside, or Correct Sentence</i> by USA as to BRIAN DAVID HILL. Response to Motion due by 2/5/2018 (RAMASWAMY, ANAND) (Entered: 01/10/2018)
01/10/2018	<u>142</u>	Roseboro Letter regarding <u>141</u> Motion to Dismiss as to defendant BRIAN DAVID HILL. (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 01/10/2018)
01/26/2018	<u>143</u>	RESPONSE in Opposition to <u>141</u> MOTION to Dismiss <i>Motion to Vacate, Set Aside, or Correct Sentence</i> filed by BRIAN DAVID HILL. Replies due by 2/9/2018. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 01/26/2018)
02/12/2018		Motions Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>141</u> MOTION to Dismiss <i>Motion to Vacate, Set Aside, or Correct Sentence</i> , <u>140</u> MOTION to Seal, and <u>125</u> MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255) (1:17CV1036). (Engle, Anita) (Entered: 02/12/2018)
03/07/2018	<u>144</u>	MOTION entitled "Petitioner's Motion and Brief for Leave to File Additional Evidence" filed by BRIAN DAVID HILL. Response to Motion due by 3/28/2018. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 03/07/2018)
03/07/2018	<u>145</u>	BRIEF entitled "Petitioner's Additional Evidence Brief in Opposition to "Motion to Dismiss Motion to Vacate, Set Aside, Or Correct Sentence" (Document #141) and in support to Petitioner's 2255 Motion (Document #125)" filed by BRIAN DAVID HILL re <u>141</u> Motion to Dismiss. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Envelope – Front and Back) (Garland, Leah) (Entered: 03/07/2018)
03/09/2018	<u>146</u>	MOTION for Extension of Time To File Motion by USA as to BRIAN DAVID HILL. (Attachments: # <u>1</u> Text of Proposed Order)(RAMASWAMY, ANAND) (Entered: 03/09/2018)
03/11/2018		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>146</u> MOTION for Extension of Time To File Motion. (Engle, Anita) (Entered: 03/11/2018)
03/12/2018		TEXT ORDER granting <u>146</u> Motion for Extension of Time To File Response as to BRIAN DAVID HILL (1). The Government shall have up to and including March 23, 2018 to respond to Petition's Motion (D.E. #144, 145). Issued by MAG/JUDGE JOE L. WEBSTER on 3/12/2018. (Lee, Pedra) (Entered: 03/12/2018)
03/13/2018		Set <b>3/23/2018</b> Response Deadline in case as to BRIAN DAVID HILL re: (D.E. # <u>144</u> , <u>145</u> ) MOTION & BRIEF for Leave to File Additional Evidence. Civil Action 1:17CV1036. (Daniel, J) (Entered: 03/13/2018)
03/15/2018	<u>147</u>	RESPONSE entitled "Petitioner's Response Brief in Support of "Government's Motion for Leave for Time to file Response" (Document <u>146</u> ) with a few Objections in Opposition" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 03/15/2018)
03/23/2018	<u>148</u>	RESPONSE to Motion AND BRIEF FOR LEAVE TO FILE ADDITIONAL EVIDENCE AND GOVERNMENTS MOTION FOR PRE-FILING INJUNCTION filed

		by USA as to BRIAN DAVID HILL re <u>144</u> MOTION for Leave to File Replies due by 4/9/2018 (RAMASWAMY, ANAND) (Entered: 03/23/2018)
03/23/2018	<u>149</u>	MEMORANDUM by USA as to BRIAN DAVID HILL re <u>144</u> MOTION for Leave to File filed by BRIAN DAVID HILL (Attachments: # <u>1</u> Supplement, # <u>2</u> Supplement, # <u>3</u> Supplement, # <u>4</u> Supplement)(RAMASWAMY, ANAND) (Entered: 03/23/2018)
04/06/2018	<u>150</u>	REPLY TO RESPONSE to <u>144</u> MOTION for Leave to File entitled "Petitioner's Response Brief in Opposition to "Government's Response to "Motion and Brief for Leave to File Additional Evidence" and Government's Motion for Pre-Filing Injunction" (Document # <u>148</u> ) and "Memorandum in support of Government's Motion for Pre-Filing Injunction" (Document # <u>149</u> )" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Supplement 1, # <u>2</u> Supplement 2, # <u>3</u> Supplement 3, # <u>4</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 04/09/2018)
04/10/2018		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>144</u> MOTION entitled "Petitioner's Motion and Brief for Leave to File Additional Evidence." (1:17CV1036) (Engle, Anita) (Entered: 04/10/2018)
06/25/2018	<u>151</u>	MOTION entitled "Petitioner's Motion for requesting Psychological/Psychiatric Evaluation to Determine actual Innocence factor under False Confession element and to resolve the controversy/conflict between Government and Petitioner over "Delusional Disorder" filed by BRIAN DAVID HILL. Response to Motion due by 7/17/2018. (Attachments: # <u>1</u> Supplement 1, # <u>2</u> Supplement 2, # <u>3</u> Supplement 3, # <u>4</u> Supplement 4, # <u>5</u> Envelope – Front and Back) (Garland, Leah) (Entered: 06/26/2018)
06/27/2018		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>151</u> MOTION entitled "Petitioner's Motion for requesting Psychological/Psychiatric Evaluation to Determine actual Innocence factor under False Confession element and to resolve the controversy/conflict between Government and Petitioner over "Delusional Disorder." (Engle, Anita) (Entered: 06/27/2018)
10/03/2018	<u>152</u>	STATUS REPORT by BRIAN DAVID HILL. Civil Case 1:17CV1036. (Attachments: # <u>1</u> Envelope – Front and Back)(Taylor, Abby) (Entered: 10/03/2018)
10/17/2018	<u>153</u>	MOTION to Appoint Attorney and STATUS REPORT filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 10/18/2018)
10/19/2018		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>153</u> MOTION to Appoint Attorney and STATUS REPORT filed by BRIAN DAVID HILL. (1:17cv1036) (Engle, Anita) (Entered: 10/19/2018)
10/24/2018	<u>154</u>	MOTION entitled "Petitioner asks Court to continue Supervised Release" filed by BRIAN DAVID HILL. Response to Motion due by 11/16/2018. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 10/24/2018)
10/25/2018		Motion Submission to CHIEF JUDGE THOMAS D. SCHROEDER as to BRIAN DAVID HILL re <u>154</u> MOTION entitled "Petitioner asks Court to continue Supervised Release." (Engle, Anita) (Entered: 10/25/2018)
10/29/2018	<u>155</u>	STATUS REPORT entitled "October 25, 2018 Status Report" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 10/29/2018)
11/13/2018	<u>156</u>	SEALED Statement of Reasons as to BRIAN DAVID HILL. (Bailey, Jeanne) (Entered: 11/13/2018)
11/13/2018	<u>157</u>	USPO PROB 12C – Offender Under Supervision as to BRIAN DAVID HILL. (Bailey, Jeanne) Modified on 5/15/2019 to unseal. (Daniel, J) (Entered: 11/13/2018)
11/13/2018	<u>158</u>	SEALED USPO PROB 12C – Supplement Report as to BRIAN DAVID HILL (Attachments: # <u>1</u> Memo to Clerk) (Bailey, Jeanne) (Entered: 11/13/2018)
11/13/2018		Case Referred to CHIEF JUDGE THOMAS D. SCHROEDER as to BRIAN DAVID HILL, RE: <u>157</u> SEALED USPO PROB 12C – Offender Under Supervision and <u>158</u> SEALED USPO PROB 12C – Supplement Report. (Engle, Anita) (Entered: 11/13/2018)

11/13/2018	<u>159</u>	ORDER FOR WARRANT as to BRIAN DAVID HILL. Signed by CHIEF JUDGE THOMAS D. SCHROEDER on 11/13/2018. (Daniel, J) Modified on 5/15/2019 to unseal. (Daniel, J) (Entered: 11/13/2018)
11/14/2018	<u>160</u>	Warrant Issued SRV as to BRIAN DAVID HILL. (Daniel, J) Modified on 5/15/2019 to unseal. (Daniel, J) (Entered: 11/14/2018)
11/29/2018	<u>161</u>	DECLARATION entitled "November 28, 2018 Status Report and Declaration of Brian David Hill in support of Doc. # <u>125</u> , # <u>128</u> " filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 11/30/2018)
11/30/2018	<u>162</u>	NOTICE entitled "Status Report of Brian David Hill – November 27, 2018" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 11/30/2018)
12/12/2018	<u>163</u>	DECLARATION of BRIAN DAVID HILL filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 12/12/2018)
12/13/2018	<u>164</u>	AMENDED DECLARATION of BRIAN DAVID HILL entitled "Declaration of Brian David Hill in support of continuing Supervised Release, towards innocence of case" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back)(Garland, Leah) (Entered: 12/13/2018)
12/21/2018	<u>165</u>	MOTION to Dismiss (Entitled: Motion for Summary Judgment or Case Dismissal of Supervised Release Violation) by BRIAN DAVID HILL. Response to Motion due by 1/9/2019. Civil Case 1:17CV1036. (Attachments: # <u>1</u> Envelope – Front and Back)(Taylor, Abby) (Entered: 12/26/2018)
12/24/2018		Arrest of BRIAN DAVID HILL in the WESTERN DISTRICT OF VIRGINIA. (Daniel, J) (Entered: 05/15/2019)
12/27/2018		Motion No Longer Submitted to CHIEF JUDGE THOMAS D. SCHROEDER: <u>154</u> MOTION entitled "Petitioner asks Court to continue Supervised Release" filed by BRIAN DAVID HILL. (Engle, Anita) (Entered: 12/27/2018)
12/27/2018		Motions Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>165</u> MOTION to Dismiss, (Entitled: Motion for Summary Judgment or Case Dismissal of Supervised Release Violation), and <u>154</u> MOTION entitled "Petitioner asks Court to continue Supervised Release" filed by BRIAN DAVID HILL. (Engle, Anita) (Entered: 12/27/2018)
01/09/2019	<u>166</u>	NOTICE OF CHANGE OF ADDRESS filed by BRIAN DAVID HILL. Address updated on docket sheet. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 01/09/2019)
01/17/2019	<u>167</u>	NOTICE OF CHANGE OF ADDRESS filed by BRIAN DAVID HILL. Address updated on docket sheet. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 01/17/2019)
01/24/2019	<u>168</u>	LETTER MOTION for Certified Copies filed by BRIAN DAVID HILL. Response to Motion due by 2/14/2019. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 01/24/2019)
01/25/2019		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>168</u> LETTER MOTION for Certified Copies filed by BRIAN DAVID HILL. (Engle, Anita) (Entered: 01/25/2019)
01/30/2019	<u>169</u>	MOTION for Hearing and for Appointment for Counsel filed by BRIAN DAVID HILL. Responses due by 2/20/2019. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 01/30/2019)
01/30/2019		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>169</u> MOTION for Hearing and for Appointment for Counsel filed by BRIAN DAVID HILL. (1:17CV1036) (Engle, Anita) (Entered: 01/30/2019)
03/01/2019	<u>170</u>	EXHIBIT to <u>125</u> MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255), by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 03/04/2019)

03/13/2019	<u>171</u>	BRIEF/MEMORANDUM entitled "Brief/Memorandum of Law on Rule 11 Plea in support of 2255 Motion (Doc. # <u>125</u> ) and 2255 Brief (Doc. # <u>128</u> )" filed by BRIAN DAVID HILL to <u>128</u> Memorandum, <u>125</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Supplement 1, # <u>2</u> Supplement 2, # <u>3</u> Supplement 3, # <u>4</u> Supplement 4, # <u>5</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 03/13/2019)
03/28/2019	<u>172</u>	DECLARATION entitled "Declaration of Brian David Hill in opposition to charge under documents <u>156</u> , <u>157</u> , and <u>158</u> " filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 03/28/2019)
04/11/2019	<u>173</u>	DECLARATION entitled "Declaration of Brian David Hill in Opposition to Government's Documents <u>156</u> , <u>157</u> , and <u>158</u> " filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 04/11/2019)
05/03/2019	<u>174</u>	DECLARATION of BRIAN DAVID HILL entitled "Declaration of Brian David Hill in Opposition to Government's charging documents # <u>156</u> , # <u>157</u> , and # <u>158</u> " filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 05/03/2019)
05/03/2019	<u>175</u>	NOTICE OF CHANGE OF ADDRESS filed by BRIAN DAVID HILL. Address updated on docket sheet. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 05/03/2019)
05/15/2019	<u>176</u>	Rule 32.1 Documents Received from the WESTERN DISTRICT OF VIRGINIA as to BRIAN DAVID HILL. (Attachments: # <u>1</u> WDVA Competency/Detention Minutes, # <u>2</u> WDVA Order Setting Conditions of Release, # <u>3</u> WDVA Appearance Bond, # <u>4</u> WDVA Waiver of Rule 32.1 Hearings, # <u>5</u> WDVA Docket Sheet) (Daniel, J) Modified on 6/26/2019 to correct typo. (Engle, Anita) (Entered: 05/15/2019)
06/24/2019	<u>177</u>	NOTICE OF CHANGE OF ADDRESS filed by BRIAN DAVID HILL. Address updated on docket sheet. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 06/25/2019)
06/24/2019	<u>178</u>	DECLARATION entitled "Evidence Declaration of Brian David Hill regarding State Pro Se Motion in Opposition to Government's/Respondent's Document #156, #157, and #158" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 06/25/2019)
06/24/2019	<u>179</u>	DECLARATION entitled "June 21, 2019 Declaration of Brian David Hill in Opposition to Government's/Respondent's Documents #156, #157, and #158" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 06/25/2019)
06/26/2019		Case Referred to MAGISTRATE JUDGE L. PATRICK AULD as to BRIAN DAVID HILL, RE: Appointment of Counsel. (Engle, Anita) (Entered: 06/26/2019)
06/26/2019		Attorney update in case as to BRIAN DAVID HILL. RENORDA E. PRYOR for BRIAN DAVID HILL added pending review of Financial Affidavit. (O'Doherty, Sinead) (Entered: 06/26/2019)
06/26/2019	<u>180</u>	NOTICE OF HEARING as to BRIAN DAVID HILL. Final Hearing re Revocation of Supervised Release set for 8/9/2019 at 02:00 PM in Winston-Salem Courtroom #2 before CHIEF JUDGE THOMAS D. SCHROEDER. (Engle, Anita) (Main Document 180 replaced on 6/27/2019) (Engle, Anita). (Entered: 06/26/2019)
06/26/2019		Attorney update in case as to BRIAN DAVID HILL. (Engle, Anita) (Entered: 06/26/2019)
07/22/2019	<u>181</u>	DECLARATION entitled "Evidence Declaration of Brian David Hill Regarding Carbon Monoxide and Letgter to Martinsville Police Chief in Opposition to Government's/Respondent's Documents # <u>156</u> , # <u>157</u> , # <u>158</u> , # <u>159</u> , and # <u>160</u> " filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Exhibit 0, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Envelope – Front and Back) (Garland, Leah) (Entered: 07/22/2019)

07/22/2019	<u>182</u>	MOTION to Continue <i>Revocation of Supervised Release Hearing</i> by BRIAN DAVID HILL. (Attachments: # <u>1</u> Text of Proposed Order)(PRYOR, RENORDA) (Entered: 07/22/2019)
07/23/2019		Motion Submission to CHIEF JUDGE THOMAS D. SCHROEDER as to BRIAN DAVID HILL re <u>182</u> MOTION to Continue <i>Revocation of Supervised Release Hearing</i> . (Engle, Anita) (Entered: 07/23/2019)
07/23/2019	<u>183</u>	<b>ORDER</b> as to BRIAN DAVID HILL signed by CHIEF JUDGE THOMAS D. SCHROEDER on 7/23/2019; that the Defendant's motion for a continuance is GRANTED, and the Defendant's supervised release violation hearing is rescheduled to September 12, 2019, at 2:00 p.m. in Courtroom 2 in Winston-Salem, North Carolina. (Sheets, Jamie) (Entered: 07/23/2019)
07/23/2019		Reset Hearings as to BRIAN DAVID HILL: Final Hearing re Revocation of Supervised Release set for 9/12/2019 at 02:00 PM in Winston-Salem Courtroom #2 before CHIEF JUDGE THOMAS D. SCHROEDER. (Sheets, Jamie) (Entered: 07/23/2019)
07/23/2019	<u>184</u>	NOTICE OF ATTORNEY APPEARANCE JOHN M. ALSUP appearing for USA. (ALSUP, JOHN) (Entered: 07/23/2019)

# Exhibit 2

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion to Suppress Evidence”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

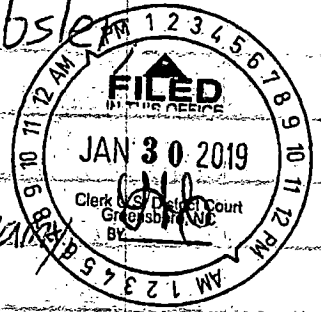
Dear Hon. U.S. Magistrate Judge Joe Webster

323 E. Chapel Hill St. Room 2,

Durham, N.C. 27701-3351,

CC: Assistant U.S. Attorney Anand Prakash Ramaswamy

Re: 1:13-CR-435-1, 2255:1:17-CV-1036,



I Brian D. Hill Petitioner of my filed 2255 Motion and 2255 Brief/Memorandum-of-Law (Documents 125 et seq.) am notifying you that I won't let a guy in a hoodie who had threatened to kill my mother (Documents 152 et seq.) stop me from proving my factual innocence in this case. Being temporarily in FCI<sup>3</sup> Butner prison for a mental evaluation study has severely crippled my ability to prove factual innocence and prove AUSA Ramaswamy's fraud upon the Court. However I am ready for an evidentiary hearing if necessary, As Soon As Possible (ASAP), and I am ready for effective assistance of Counsel to be appointed for my 2255 case. The need for such a hearing is long overdue. According to the U.S. Supreme Court case law *Chambers v. Nasco INC*, 501 US 32, 115 L. ED 2d 27, 111 S Ct 2123 (1991) Courts § 18 "inherent or implied powers", as well as Courts § 225.1; Equity § 47 "power to vacate fraudulent judgment", this Court has an inherent power to investigate a fraud upon the Court and to vacate an earlier judgment upon proof of such fraud. The fraud upon the Court is caused by both ineffective assistance of Counsel forcing me to falsely plead guilty under Oath, and a fraud upon the Court by a false factual basis of guilt in this criminal case.

1 2255 letter #01

The fraud in the fact that I never got to review over the entire discovery evidence with Attorney Eric David Placke, before he persuaded me to falsely plead guilty under Oath means I had plead guilty without understanding the full weight of the very evidence that the prosecution had used against me in my case. The "Factual Basis" of my guilt provided by the Government prior to Sentencing was fraudulent. My confession statements were proven to ~~inaccurate~~ be inaccurate and false, a false confession caused by my Autism because of the way I was interrogated. The SBI, that is the State Bureau of Investigation and through their Case File (forensic report) reported files/images/videos of interest but there was NO affidavit verifying/confirming whether each such file could have been actual child pornography. In addition to that, the SBI case file said that 454 files had been downloaded with the eMule program between July 20, 2012, and July 28, 2013, while my computer was ~~seiv~~ seized on August 28, 2012. The criminal Judgment of guilty on November 12, 2014 was a fraudulent Judgment based upon fraud on the Court. Letter respectfully filed with both the Hon. Magistrate Judge of the Court and the AUSA Ramaswamy on this the 24th day of January, 2019.

U.S.W.G.O. Brian D. Hill

Signed

Brian David Hill #29947-057

Federal Correctional Institution 1

Old NC Hwy 75 P.O. Box 1000

Butner, NC. 27509

My friend's blog:

JusticeForUSWGO.wordpress.com

God Bless America

God Bless You.

2

2255 letter #01

Magistrate's Copy

To Anand Prakash Ramaswamy,

Re: 1:13-CR-435

Dated: January 23, 2019

United States Attorney Office

Middle District of North Carolina

CC: Hon. U.S. Magistrate Judge Joe Webster

101 S. Edgeworth ST, 4th Flr, Greensboro, NC,

I just want my life back, I am respectfully giving you an olive branch to do what is right. President Donald Trump's Art of the Deal. God Bless You.

You understand with the threatening greeting card postmarked Tennessee that I am a victim of crimes that somebody out to hurt me, my family, and Attorney Susan Baske was behind the threatening Tormail.org messages and the threatening greeting card. Me and my family is under attack Ramaswamy. I am tired of being a darn victim Ramaswamy. We need to come to a resolution because it is clear that I am factually innocent. You and the Court and I are victims of fraud. It's clear that I was set-up and framed. Stop resisting State Bar Rule 3.8. Let's make a deal. I want my life back. I would like to be acquitted. Please vacate my sentence.

God Bless,

Brian D. Hill  
Signed

Brian David Hill #29947-057  
Federal Correctional Institution 1  
P.O. Box 1000

Please make a deal.

Butner, N.C. 27509

R anon

# Exhibit 3

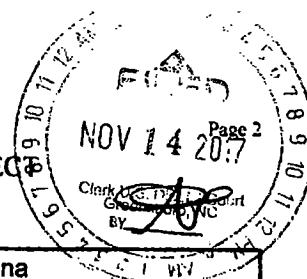
USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion to Suppress Evidence”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

**MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT  
SENTENCE BY A PERSON IN FEDERAL CUSTODY**



<b>United States District Court</b>		District	Middle District of North Carolina
Name (under which you were convicted): Brian David Hill		Docket or Case No.: 1:13-cr-435-1	
Place of Confinement: Supervised Release under the U.S. Probation Office		Prisoner No.: 29947-057 (USM number)	
UNITED STATES OF AMERICA		Movant (include name under which convicted) V. Brian David Hill	

**MOTION**

1. (a) Name and location of court which entered the judgment of conviction you are challenging:

United States District Court  
for Middle District of North Carolina  
324 West Market Street, Suite 1, Greensboro, NC 27401

(b) Criminal docket or case number (if you know): 1:13-cr-435-1

2. (a) Date of the judgment of conviction (if you know): 11/12/2014

(b) Date of sentencing: 11/10/2014

3. Length of sentence: 10 months and 20 days, but not less than time served

4. Nature of crime (all counts):

Count 1: 18:2252A(a)(5)(B) and (b)(2) - Possession of Child Pornography

5. (a) What was your plea? (Check one)

(1) Not guilty ☐

(2) Guilty ☒

(3) Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or what did you plead guilty to and what did you plead not guilty to?

I plead guilty to possession of child pornography because from what I understood, the U.S. Attorney claimed that it was on my computer, regardless of whom put it there, so therefore I thought I was technically guilty of possession of child porn. However at a later time I realized that I was wrong to assume that, that I am entitled to prove the affirmative defense of Frame Up which is recognized by the U.S. Supreme Court. I falsely plead guilty because of ineffective Counsel and deteriorating health. See Brief/Memorandum in attachment to this Motion for more information.

6. If you went to trial, what kind of trial did you have? (Check one)

Jury ☐

Judge only ☐

7. Did you testify at a pretrial hearing, trial, or post-trial hearing?

Yes ☒

No ☐

8. Did you appeal from the judgment of conviction?

Yes ☒

No ☐

Defendant's Answer to 8.: Almost had a Jury trial

Defendant's Answer to 7.: Not testified on the stand

## 9. If you did appeal, answer the following:

- (a) Name of court: U.S. Court of Appeals for the Fourth Circuit
- (b) Docket or case number (if you know): 15-4057
- (c) Result: The judgment of the district court is affirmed in part. The appeal is dismissed in part. Doc #19-1
- (d) Date of result (if you know): 4/7/2015
- (e) Citation to the case (if you know): \_\_\_\_\_
- (f) Grounds raised:  
NVA - Untimely filed

- (g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If "Yes," answer the following:

- (1) Docket or case number (if you know): \_\_\_\_\_
- (2) Result: \_\_\_\_\_
- (3) Date of result (if you know): \_\_\_\_\_
- (4) Citation to the case (if you know): \_\_\_\_\_
- (5) Grounds raised: \_\_\_\_\_

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?

Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: U.S. District Court for the Middle District of North Carolina
- (2) Docket or case number (if you know): 1:13-cr-435-1
- (3) Date of filing (if you know): \_\_\_\_\_
- (4) Nature of the proceeding: Misc. pro se Motions
- (5) Grounds raised: Various issues in the Misc. pro se Motions

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐ No ☒

(7) Result: Judge Osteen denied every single pro se motion since conviction

(8) Date of result (if you know):

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court:

(2) Docket of case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐ No ☐

(7) Result:

(8) Date of result (if you know):

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐ No ☐

(2) Second petition: Yes ☐ No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**GROUND ONE: Actual Innocence**

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Defendant Brian David Hill ("Defendant"), is asserting the claim of actual innocence based on particular elements of what was discovered after conviction.

The Defendant didn't get to review over the rest of all of the discovery material for the criminal case until January 22, 2015 at the office of John Scott Coalter (court appointed lawyer).

(Confession element) The Defendant confirmed after conviction that he made false confession statements which could have been proven by cross referencing/examining the U.S. Attorney's discovery material. Defendant made a confirmed false confession statement regarding child pornography in his Netbook, regarding the child pornography download date for "about a year or so", and his statement of describing PTHC which stands for "Preteen Hardcore" (excerpt cited from Mayodan Police Report) was fabricated over what was already described in Police detective Robert Bridge's search warrant affidavit and in the Police Report, so Defendant describing what PTHC stood for was already described in Detective Bridge's Affidavit. Defendant exhibited a sophisticated form of echolalia which means he repeated what was already described to him by Police. See Brief/Memorandum in attachment to this Motion for more information.

(Forensic element) The Defendant asserts that the entire "SBI Case File" forensic report is questionable on its own merits. Making a claim that child pornography downloaded using the eMule program between the dates "July 20, 2012, and July 28, 2013." That same Laptop had been seized on August 28, 2012. The child porn download dates corroborate the claims in various threatening emails from tormail.org. More are stated in the Brief attached.

(b) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

Untimely filed Appeal. The U.S. Court of Appeals would not let me raise any of these issues due to filing too late. Actual Innocence claim doesn't require prior direct appeal, especially on newly discovered evidence.

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒

No ☐

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: Various pro se filings on actual innocence. Document #71, Document #73, etc

Name and location of the court where the motion or petition was filed:

U.S. District Court for the Middle District of North Carolina

Docket or case number (if you know): 1:13-cr-435-1

Date of the court's decision: 4/29/2015

Result (attach a copy of the court's opinion or order, if available):

Document #87

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

Because there was no statute or federal rule that was used to back any of the post-conviction pro se motions, that was why they were all denied. There was no use appealing motions that hold no legal basis. That is why this 2255 motion is being filed, because it is backed by both case law and statute. I have a legal basis for this motion, good evidence, and good grounds. See Brief/Memorandum in attachment to this Motion for more information.

## **GROUND TWO: Ineffective Assistance of Counsel**

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

See Brief/Memorandum in attachment to this Motion for more information.

Eric David Placke did many things that were ineffective and would be difficult to explain in this little box.

See "BRIEF / MEMORANDUM IN SUPPORT OF BRIAN DAVID HILL'S "MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY""  
"DECLARATION, ATTACHED EXHIBITS, AND BRIEF IN SUPPORT OF THIS MOTION"

for all of the evidence and Affidavits? Declarations in support of Defendant's ineffective assistance of Counsel claim needed to prove actual innocence, as the change of plea from guilty to not guilty will require me to prove ineffective Counsel prior to my false guilty plea, and a good reason why I had falsely plead guilty instead of taking it to trial. Evidence I have is that my health was deteriorating while in Jail, my Counsel was going to provide no evidence for the Jury Trial, my Autism would not be brought up, Placke had no defense planned nor prepared. I would have faced prison time if I had no falsely taken the guilty plea. Now that I am out of jail, I can fight to prove my innocence without Placke.

(b) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

Untimely filed Appeal. The U.S. Court of Appeals would not let me raise any of these issues due to filing too late.

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: \_\_\_\_\_

**GROUND THREE:** Deprivation of due process rights as guaranteed by Fourteenth Amendment. Deprivation of discovery rights

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Was not given full access to criminal case discovery materials until January 22, 2015, at John Scott Coalter's office, a few months after I was convicted upon final Judgment. That was why I was furious and filed a bunch of pro se motions with evidence, even though none of those had any statutory basis. I was angry that I was swindled by my own lawyers. They wouldn't let me prove my innocence in any way. All Placke wanted me to do was to say falsely under Oath that I was guilty, and Coalter to stick with my false guilty plea.

See Brief/Memorandum in attachment to this Motion for more information.

See "BRIEF / MEMORANDUM IN SUPPORT OF BRIAN DAVID HILL'S "MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY""  
"DECLARATION, ATTACHED EXHIBITS, AND BRIEF IN SUPPORT OF THIS MOTION"

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**(b) Direct Appeal of Ground Three:**

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

- (2) If you did not raise this issue in your direct appeal, explain why:

Untimely filed Appeal. The U.S. Court of Appeals would not let me raise any of these issues due to filing too late.

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**(c) Post-Conviction Proceedings:**

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

- (2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

- 
- (3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☒

- (4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☒

- (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☐

- (6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

**GROUND FOUR:** Prosecutorial misconduct - Based upon new evidence that has surfaced in a 2017 Freedom of Information Act ("FOIA") lawsuit and FOIA Appeal case, in the Western Dist. of Virginia.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

The U.S. Attorney has covered up two pieces of evidence that is needed to help prove factual innocence for this 2255 motion. Because of this I ask that the Court enforce the discovery of the criminal case evidence that was originally received by Eric David Placke but he refused to let me prove my innocence in any way with the discovery evidence material. John Scott Coalter has threatened that he may destroy the evidence of discovery which further forces me to be stuck with my false guilty plea. Eric David Placke only wanted to work with the U.S. Attorney and get the best guilty plea bargain he could. He was not interested in suppressing any evidence, and not interested in my innocence. Because of not getting access to all of my discovery material, I had to sue the Executive Office for United States Attorneys and U.S. Department of Justice citing the deprivation of my rights under Brady v. Maryland and Giglio v. United States.

See "BRIEF / MEMORANDUM IN SUPPORT OF BRIAN DAVID HILL'S "MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY""  
"DECLARATION, ATTACHED EXHIBITS, AND BRIEF IN SUPPORT OF THIS MOTION"

(b) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

Newly discovered evidence filed in Federal civil case "Brian David Hill v. Executive Office for United States Attorneys (EOUSA) et al," case no. 4:17-cv-00027, U.S. Dist. Court for Western District of Virginia.

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☐

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

U.S. Attorney refusing to give me access to my entire criminal case discovery material even though requested via Freedom of Information Act.

Federal civil case "Brian David Hill v. Executive Office for United States Attorneys (EOUSA) et al," case no. 4:17-cv-00027, U.S. Dist. Court for Western District of Virginia.

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the you are challenging? Yes ☐ No ☐

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

15. Give the name and address, if known, of each attorney who represented you in the following stages of the you are challenging:
- (a) At the preliminary hearing:  
Eric David Placke
- (b) At the arraignment and plea:  
Eric David Placke
- (c) At the trial:  
Eric David Placke (no trial had to proceed because of the change of plea to guilty)
- (d) At sentencing:  
John Scott Coalter
- (e) On appeal:  
Mark Jones
- (f) In any post-conviction proceeding:  
No proceeding yet
- (g) On appeal from any ruling against you in a post-conviction proceeding:
16. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☐ No ☒
17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒
- (a) If so, give name and location of court that imposed the other sentence you will serve in the future:
- (b) Give the date the other sentence was imposed:
- (c) Give the length of the other sentence:
- (d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐
18. **TIMELINESS OF MOTION:** If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.\*

Because actual innocence and my Constitutional rights should not be barred by statute. Even John Scott Coalter ("Mr. Coalter") admitted on September 30, 2016, that if I decide to file a 2255 and assert actual innocence, that I would have to appear before a "change of plea" hearing and I would have to raise ineffective assistance of Counsel as a reason why I had (falsely) taken the plea of guilty. Since ineffective Counsel can arguably be raised, then why not all Constitutional grounds since I have been deprived of all Constitutional rights that an Article III Court is supposed to guarantee all criminal Defendants accused of serious crimes.

Also new evidence has been discovered since then. I had filed a Freedom of Information Act ("FOIA") request with the Executive Office for U.S. Attorneys ("EOUSA") concerning my criminal case discovery evidence since Mr. Coalter refused to give me my discovery, has threatened to possibly destroy the evidence, and Mr. Coalter has admitted to being in conflict of interest of me wanting to prove my actual innocence so he is working against me.

In a June 29, 2017, letter mailed to me from the Office of Government Information Services ("OGIS"), the Mediation staffer admitted to receiving a claim from the EOUSA that the U.S. Attorney office of Greensboro, NC do not have the confession audio and SBI case file, even though they were made aware on June 30, 2015 during the Supervised Release Revocation ("SRV") hearing that I fully intend on overturning my criminal conviction and prove my actual innocence via a 2255 Motion. The U.S. Attorney has removed evidence from their office to evade my FOIA request and prevent me from getting access to my criminal case discovery evidence to be able to mount a factual claim of actual innocence. The original evidence that they had used against me to led me to being wrongfully convicted, they have removed a portion of the evidence records that was used to indict and convict me. Because of that I had filed a lawsuit in the U.S. District Court, for the Western District of Virginia, case # 4:17-cv-27. The case is currently being reviewed and heard in the Danville Division in Danville, VA. The evidence presented in my Complaint that has been presented had enough of a merit to cause the U.S. Attorney office of Greensboro, NC (Middle District of North Carolina) to file answers to my complaint. They filed answers denying all allegations, even denying knowledge of my health condition (aka Autism and Type 1 Brittle Diabetes) which in my criminal case that had fully had knowledge of my health condition in both Transcripts and the U.S. Attorney admitted to receiving and reviewing the psychological report by Dr. Dawn Graney at the June 3, 2014, Pretrial Status Conference. The U.S. Attorney has made denial of knowledge to things that they are very well knowledgeable on. The U.S. Attorney of Greensboro, NC, to my knowledge has perpetuated a fraud among the Court with answers that I and witnesses (Kenneth Forinash, Stella Forinash, Roberta Hill) know for a fact of matter are not the truth. The U.S. Attorney office of Greensboro, NC, collectively in the FOIA lawsuit in 2017, have lied about the evidence that they had originally used to indict and eventually convict me by plea agreement. I feel that the U.S. Attorney knew of any facts of possible factual innocence but they have either ignored it, lied about it, or got rid of any evidence records, papers, or things that can help to prove any facts of my actual innocence.

If the U.S. Attorney perpetuated a fraud among the Court, then I have a right to investigate if that is indeed the case, and as to why. The Court has a right to investigate if that is indeed the case, and as to why. If there is clear and convincing evidence that the U.S. Government may have perpetuated a fraudulent criminal case against an innocent man, then the Court needs to investigate with a full eventary hearing and ask both sides what evidence they have. Under *Marbery v. Madison*, any law that is repugnant to the Constitution is null and void. My Constitutional rights should not be further deprived by the one year limitation. Actual Innocence is also a factor in Constitutional rights being deprived. Even though I am not in a federal prison, I am still remanded to the custody of the U.S. Marshal, to serve my sentence under Supervised Release and sex offender restrictions. I am not free to come and go as I please.

See Brief/Memorandum in attachment to this Motion for more information. See "BRIEF / MEMORANDUM IN SUPPORT OF BRIAN DAVID HILL'S "MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY""

"DECLARATION, ATTACHED EXHIBITS, AND BRIEF IN SUPPORT OF THIS MOTION"

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\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks that the Court grant the following relief:

Vacate and overturn the criminal conviction and Judgment on November 12, 2014. Vacate the entire sentence. Grant the Defendant a "certificate of innocence" allowing the Defendant the right to expunge records. State facts of innocence. or any other relief to which movant may be entitled.

Brian D. Hill (Pro Se)  
Signed

Signature of Attorney (if any)

11

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on November 14, 2017  
(month, date, year)

U.S. Postal Service  
OR FedEx

Executed (signed) on November 14, 2017 (date)  
11

Brian D. Hill  
Signed

Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.

Certified Mail tracking #: 7017-1450-0000-9407-6759

Brian D. Hill (Pro Se)

310 Forest St. Apartment 2

Martinsville, VA 24112

2nd certified mail tracking #: 7017-1450-0000-9407-6766

# Exhibit 4

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

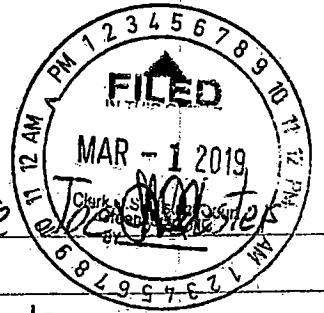
Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion to Suppress Evidence”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

Clerk,

Notice - Please file -  
To: U.S. Magistrate



Please file the attached Photocopy of a letter to Anand Prakash Ramaswamy dated February 18 2019 on Docket no. 1:13CR435 as proof of 2255 negotiations, that Petitioner Brian David Hill is the reasonable party and only wants to prove enough of Actual Innocence to be acquitted of the wrongful conviction. Hill is willing to waive his right to sue the United States for malicious prosecution if they agree to acquit Hill or accept Hill's clearly established facts of Actual Innocence. USPO Jason McMurray believes in Hill's innocence, and Hill will prove his Probation Officer right. Hill is innocent and never should have ~~never~~ been forced into falsely pleading guilty. Hill and the U.S. Attorney were victims of a fraud upon the Court. The witnesses Susan Basto, Kenneth Forinash, Stella Forinash, Roberta Hill, and Brian Hill under Oath clearly establish facts of Hill's innocence.

-Papers enclosed-

Brian David Hill  
Feb. 26, 2019  
Brian D. Hill  
signed

FCT 1 Butner  
P.O. Box 1000  
Butner, NC 27509

To: U.S. Magistrate Judge Joe Webster U.S. Attorney Office  
Dear Anand Prakash Ramaswamy, Middle District of North Carolina

Cases: 1:13-cr-435, 1:17-cv-1036

U.S. District Court

Middle District of North Carolina

February 18, 2019

I just want my life back Ramaswamy. It's not your fault that I was set up, that you were given bad evidence (fraud upon the Court) from the Town of Mayodan and the State Bureau of Investigation, and that I was misled and you were misled. I want to visit Japan, I want to go on cruise ships with my family while they are still alive. I don't want the bad guys to kill my family, I love my family, I care about my life and my family. U.S. President Trump is overthrowing the New World Order (NWO) Deep State Government, draining the Swamp as David Wilcock had talked about with Qanon and #SealedIndictments. I have no reason to ever bring back U.S.W.G.O. Alternative News. You know that I have brought up good case law, evidence, and arguments on my Actual Innocence. You never need to worry about losing this case when you never had a case to begin with. Please let it go. You are not perfect, I am not perfect either. I forgive you for the wrongs, the wrong things you committed. I just want to be free, no felony on my record, that I can go back home to my family safely as soon as possible without being a target. Please let this case go, declare my actual innocence due to State Bar Rule 3.8, and please stop letting my family and me be a target. Please stop resisting me.

1

6566 Letter

My Probation Officer McMurray is not pushing for revocation, there was no good reason for my arrest instead of a Summons. Me and my mother's cat Angel Hill was brutally killed in July or August 2018, around that period my mother received a threatening greeting card with no return address, somebody falsely called the police to come to the 310 Forest St, Martinsville, VA, address twice. It was clear that me and my family were being criminally targeted and harrassed and threatened before my arrest on September 21, 2018. I am tired of being targeted here. I should be released as soon as possible. My loving cat being brutally killed, the threatening greeting card and the other anonymous harrassing greeting cards came shortly after I had filed my 2255 Motion and Brief/Memorandum-of-law. My family mailed this information to the FBI. This is getting ridiculous, I am tired of being targeted for trying to prove my innocence. I forgive Maydan and the SBI for their Fraud upon the Court. Please stop my detainment, let me go. You were used as a puppet by my political enemies. Don't be their damn puppet. You have the power to acquit me, agree that I'm factually innocent, we can resolve all issues in this 2255. Please work with me there's still time. There's still time to set me free. God Bless You,

Brian D. Hill  
signed

Brian David Hill  
#29947-057

Federal Correctional Institution<sup>1</sup>  
Old N.C. Hwy 75 / P.O. Box 1000  
Butner, NC 27509

JusticeForUSWGD.wordpress.com

Certified Mail tracking: 7018-1130-0000-8936-  
2 6566

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 07/26/2019 @11:01:07

TESTE: Jennifer C. Coplin  
CLERK/DEPUTY CLERK

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,** )

**vs.** )

**CR19-0009-00**

**BRIAN DAVID HILL,** )

**Defendant.** )

**MOTION TO WITHDRAW AS COUNSEL OF RECORD**

COMES NOW Lauren McGarry, counsel for the Defendant Brian David Hill, who respectfully requests to be permitted to withdraw, and who shows unto the Court as follows:

1. An actual conflict of interest exists concerning matters of zealous representation of clients, diligence and the relationship between counsel and the Defendant. *See* Rules of Professional Conduct 1.3, 1.6 and 1.7; *see also* Holloway v. Arkansas, 435 U.S. 475 (1978); Dowell v. Commonwealth, 3 Va. App. 555 (1987).
2. WHEREFORE, the undersigned attorney prays that she has shown good cause and prays as follows:
  1. That the Court find good cause to permit withdrawal of the undersigned counsel;
  2. That the Court enter an order allowing the undersigned counsel, and the Office of the Public Defender, to withdraw; and
3. That the Court by separate order appoint another attorney to represent the named Defendant.

Respectfully submitted,

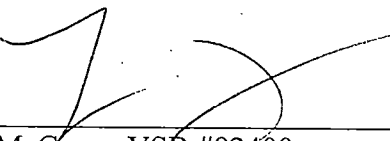
  
\_\_\_\_\_  
Lauren McGarry  
Counsel for Defendant

SEEN:

  
\_\_\_\_\_  
*Signed*

Brian David Hill

I ASK FOR THIS:



Lauren McGarry, VSB #92400  
Counsel for Defendant  
Office of the Public Defender  
P.O. Drawer 31  
Martinsville, Virginia 24114  
(276) 666-2206 (office)  
(276) 666-8929 (fax)  
lmcgarry@mar.idc.virginia.gov

SEEN:

\_\_\_\_\_  
Commonwealth's Attorney

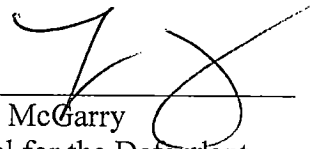
SEEN:



\_\_\_\_\_  
Brian David Hill

CERTIFICATE

I hereby certify that a copy of the foregoing motion was delivered, mailed, or faxed to the office of G. Andrew Hall, Esquire, Commonwealth's Attorney for the city of Martinsville on this the 26 day of July, 2019.

  
\_\_\_\_\_  
Lauren McGarry  
Counsel for the Defendant

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 07/29/2019 @10:28:35

TESTE:   
CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA, )

vs. )

CR19-0009-00

BRIAN DAVID HILL, )

Defendant. )

ORDER

CAME THIS DAY the Defendant, by counsel, upon motion of counsel for the Defendant to withdraw, and upon consideration of the evidence and arguments of counsel, the Court finds:

1. That the Defendant has heretofore been represented by Lauren McGarry, who is a duly licensed attorney, and who was appointed to represent the indigent defendant; and
2. That a conflict of interest exists between the Office of the Public Defender and Brian David Hill in this matter. The conflict concerns matters of zealous representation of clients, diligence, and the relationship between counsel and the Defendant.

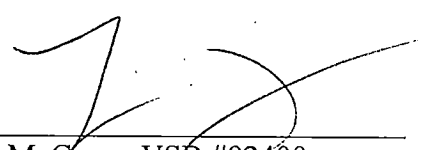
IT IS THEREFORE ORDERED AS FOLLOWS:

1. That good cause exists to permit the withdrawal of Lauren McGarry and the Office of the Public Defender as attorney of record, and that the said attorney is hereby allowed to withdraw; and,
2. The Court by separate order has appointed another attorney to represent the above named Defendant.

ENTERED this 30<sup>th</sup> day of July, 2019.

  
Judge


I ASK FOR THIS:

  
\_\_\_\_\_  
Lauren McGarry, VSB #92400  
Counsel for Defendant  
Office of the Public Defender  
P.O. Drawer 31  
Martinsville, Virginia 24114  
(276) 666-2206 (office)  
(276) 666-8929 (fax)  
lmcgarry@mar.idc.virginia.gov

SEEN:

  
\_\_\_\_\_  
Commonwealth's Attorney

SEEN:

  
\_\_\_\_\_  
Brian David Hill

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.

**ORDER**

Case No. CR19000009-00


BRIAN DAVID HILL

It appearing to the Court that the above defendant is indigent and is entitled to representation by court-appointed counsel, it is

ORDERED that Matthew Clark, being a competent and discreet attorney practicing before the bar of this Court, be and he is hereby appointed to represent the above-named defendant on the above case.

The Clerk of this Court is directed to mail or deliver a copy of this Order to the Commonwealth's Attorney and Matthew Clark.

ENTER this 1<sup>st</sup> day of August, 2019.

  
\_\_\_\_\_  
Judge

Endorsement of Counsel is dispensed with -- Rule 1:13

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA, )

Plaintiff )

VS: )

NOTICE OF PRIOR CONVICTIONS

CR190009

BRIAN DAVID HILL, )

Defendant, )

Pursuant to §19.2-295.1 of the Code of Virginia (1950), you are hereby notified that the Commonwealth intends to introduce into evidence certified, attested or exemplified copies of the attached records of convictions of the defendant at the sentencing proceeding of the bifurcated trial in the above case, should the defendant be found guilty of one or more offenses at trial.



Assistant Commonwealth's Attorney

CERTIFICATE OF SERVICE

I hereby certify that this Notice, with the specified attachments, was hand delivered, faxed or mailed to Matthew S. Clark, Counsel for Defendant, 711 B Starling Avenue, P.O. Box 903, on this the 6th day of August, 2019 and that a copy was filed with the Clerk of this Court.

MARTINSVILLE  
COMMONWEALTH'S  
ATTORNEY  
55 WEST CHURCH STREET  
P.O. Box 1311  
MARTINSVILLE, VA 24114

276-403-5470 (PHONE)  
276-403-5476 (FAX)

G. ANDREW HALL  
VSB #71018

PAULA A. BOWEN  
VSB #72018

ALBERTO Z. HERRERO  
VSB #73118

DANIEL P. MOOK  
VSB #84231

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 08/06/2019 @14:00:57

TESTE:

  
CLERK/DEPUTY CLERK



Assistant Commonwealth's Attorney

ENTERED ON DOCKET  
R. 55

NOV 12 2014

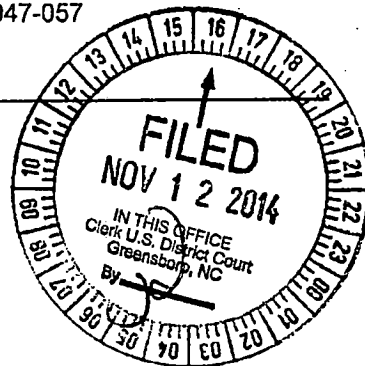
United States District Court  
Middle District of North CarolinaBY UNITED STATES OF AMERICA

BRIAN DAVID HILL

## JUDGMENT IN A CRIMINAL CASE

Case Number: 1:13CR435-1

USM Number: 29947-057

John Scott Coalter  
Defendant's Attorney

## THE DEFENDANT:

- ☒ pleaded guilty to count 1.
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.
- ☐ was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18:2252A(a)(5)(B) and (b)(2)	Possession of Child Pornography	August 29, 2012	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s)
- ☐ Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

A True Copy

Tested:

John S. Brubaker, Clerk

By: [Signature]

Deputy Clerk

November 10, 2014

Date of Imposition of Judgment

Signature of Judge William L. Osteen, Jr.

William L. Osteen, Jr., Chief United States District Judge

Name &amp; Title of Judge

NOV 12 2014

Date

DEFENDANT: BRIAN DAVID HILL  
CASE NUMBER: 1:13CR435-1

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **ten (10) months and twenty (20) days, but not less than time served.**

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district.

☐ at \_\_\_\_\_ am/pm on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 pm on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

BY

\_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: BRIAN DAVID HILL  
CASE NUMBER: 1:13CR435-1

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **ten (10) years**.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☒ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or a restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: BRIAN DAVID HILL  
CASE NUMBER: 1:13CR435-1

### **SPECIAL CONDITIONS OF SUPERVISION**

The defendant shall cooperatively participate in an evaluation and a mental health treatment program with emphasis on sex offender treatment, and pay for those treatment services, as directed by the probation officer. Treatment may include physiological testing, such as the polygraph and penile plethysmograph, and the use of prescribed medications.

The defendant shall not possess or use a computer or any other means to access any "on-line computer service" at any location (including employment) without the prior approval of the probation officer. This includes any Internet service provider, bulletin board system, or any other public or private computer network.

If granted access to an "on-line computer service," the defendant shall consent to the probation officer conducting periodic unannounced examinations of his computer equipment, which may include hardware, software, and copying all data from his computer. This may include the removal of such equipment, when necessary, for the purpose of conducting a more thorough examination.

The defendant shall consent to third-party disclosure to any employer or potential employer concerning any computer-related restrictions that have been imposed upon him.

The defendant shall provide his personal and business telephone records to the probation officer upon request and consent to the release of certain information from any on-line, telephone, or similar account.

The defendant shall not have any contact, other than incidental contact in a public forum such as ordering in a restaurant, grocery shopping, etc., with any person under the age of 18, except his own children, without prior permission of the probation officer. Any approved contact shall be supervised by an adult at all times. The contact addressed in this condition includes, but is not limited to, direct or indirect, personal, telephonic, written, or through a third party. If the defendant has any contact with any child, that is a person under the age of 18, not otherwise addressed in this condition, the defendant is required to immediately remove himself from the situation and notify the probation office within 24 hours.

The defendant shall not frequent places where children congregate, such as parks, playgrounds, schools, video arcades, daycare centers, swimming pools, or other places primarily used by children under the age of 18, without the prior approval of the probation officer.

The defendant shall not view, purchase, possess, or control any sexually explicit materials, including, but not limited to, pictures, magazines, video tapes, movies, or any material obtained through access to any computer or any material linked to computer access or use.

The defendant shall submit to a search of his person, property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects at any time, with or without a warrant, by any law enforcement officer or probation officer with reasonable suspicion concerning unlawful conduct or a violation of a condition of probation or supervised release.

The defendant shall register with the state sex offender registration agency in any state where he may reside, is employed, carries on a vocation, or is a student.

DEFENDANT: BRIAN DAVID HILL  
CASE NUMBER: 1:13CR435-1

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____	\$ _____
--------	----------	----------

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: BRIAN DAVID HILL  
CASE NUMBER: 1:13CR435-1

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g. weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g. weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are to be made to the Clerk of Court, United States District Court for the Middle District of North Carolina, 324 West Market Street, Greensboro, NC 27401-2544, unless otherwise directed by the court, the probation officer, or the United States Attorney. **Nothing herein shall prohibit the United States Attorney from pursuing collection of outstanding criminal monetary penalties.**

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names, Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States: to the extent any personal items not related to the offense of this investigation, the United States is authorized to return those items to Mr. Hill at the conclusion of any appeals period.

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,**

**v.**

**BRIAN DAVID HILL,  
Defendant,**

**Case Nos: CR19000009-00**

**MOTION TO CONTINUE**

COMES NOW the Defendant, Brian D. Hill, by and through counsel, Matthew S. T. Clark, pursuant to Virginia Code Section 19.2-162, and requests the Honorable Court to continue his trial, which is currently set for Friday, August 30, 2019 at 9:00 a.m. As for his reasons theretofore, Defendant states the following:

1. Counsel was appointed on August 1, 2019 to represent Defendant in this matter;
2. As a result, counsel needs additional time to prepare for trial and already has other matters set for court in other jurisdictions for August 30, 2019; and
3. Counsel has spoken with the Commonwealth and there is no objection to this request for continuance.

Respectfully Submitted,

BRIAN DAVID HILL

BY: 

Counsel

Matthew S. T. Clark, Esquire, P.C.  
*Attorney and Counselor at Law*  
711-B Starling Avenue  
P.O. Box 903  
Martinsville, VA 24114  
(276) 634-4000 - Telephone  
(276) 634-4004 -- Facsimile  
VSB# 46753  
Counsel for Defendant

### CERTIFICATE OF SERVICE

I, Matthew S.T. Clark, Esquire, hereby certify that a true and accurate copy of the above Motion to Continue was either mailed via first class mail or hand delivered to G. Andrew Hall, Esquire, City of Martinsville Commonwealth's Attorney, 55 W. Church St, Martinsville, Virginia 24112 on this the 19th day of August, 2019.



Matthew S. T. Clark

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 08/19/2019 @12:41:20

TESTE:   
CLERK/DEPUTY CLERK

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,

v.

BRIAN DAVID HILL,  
Defendant.

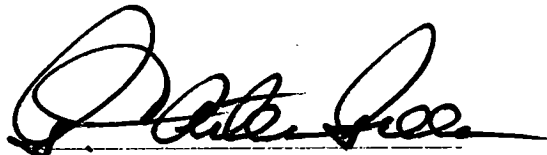
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) Case No: CR19000009-00  
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**ORDER TO CONTINUE**

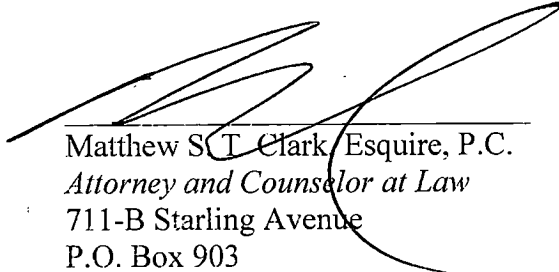
CAME THIS DAY Brian David Hill, by counsel, upon a Motion to Continue his trial now set for Friday, August 30, 2019 at 9:00 a.m. The foregoing motion, having been duly considered by this Court, and it appearing that the same ought to be **GRANTED** for good cause shown, it is hereby **ORDERED, ADJUDGED, and DECREED** that the above-styled case is **CONTINUED** to

*August 27, 2019 at 9:00 am to be reset.*

Entered this 20<sup>th</sup> day of August, 2019.

  
Judge

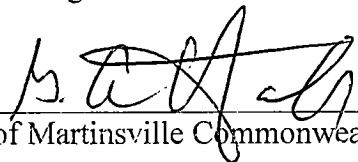
I ask for this:



---

Matthew S. T. Clark, Esquire, P.C.  
*Attorney and Counselor at Law*  
711-B Starling Avenue  
P.O. Box 903  
Martinsville, VA 24114  
Phone: 276-634-4000  
Fax: 276-634-4004  
VSB #46753

Seen and agreed:



---

City of Martinsville Commonwealth's Attorney's Office

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA )  
CITY OF MARTINSVILLE )

NOTICE TO APPEAR

VS. )

Brian D. Hill )

CASE # CK1900009-00

DEFENDANT )

You are required to appear in person before the Martinsville Circuit Court, in this Courtroom, on August 27, 20 19, at 9:00 AM/PM.

Unexcused failure to appear at the time and place specified will constitute a separate criminal offense for which you can be charged, and if convicted, will subject you to a fine and/or jail sentence regardless of what happens to the original charge(s).

You agree to follow the Instructions on the bottom of this Notice.

You acknowledge receipt of this Notice, this 21 day of Aug, 20 19.

x) Brian D. Hill  
Signed

DEFENDANT

This is to certify that this Notice was executed on the above date by the Defendant, and that a copy was delivered to the Defendant.

Chamber C. Capri  
JUDGE/CLERK/DEPUTY CLERK

INSTRUCTIONS FOR THE DEFENDANT

1. You must personally appear at each court hearing on your case(s).
2. You have the right to be present at your trial and to confront and cross-examine witnesses.
3. You shall keep in touch with your attorney at all times.
4. If serious illness or emergency prevents you from appearing in court, you must call the Clerk's Office at (276) 403-5106 and fully explain the reason for non-appearance. You shall also promptly notify your attorney of any such problem(s).
5. Unexcused failure to appear in Court may result in you being tried in your absence, and additional criminal charges for Failure to Appear in Court.

VIRGINIA: IN THE CIRCUIT COURT OF **CITY OF MARTINSVILLE**  
FEDERAL INFORMATION PROCESSING  
STANDARDS CODE: **690**

Hearing Date: **August 27, 2019**  
Judge: **G. Carter Greer**

COMMONWEALTH OF VIRGINIA

v. **CR19000009-00 Indecent Exposure**

**BRIAN DAVID HILL,** DEFENDANT

This day came the defendant, who appeared in person with his attorney, **MATT Clark, heretofore appointed.** The Commonwealth was represented by **Andy Hall.**

Whereupon this case having previously been set for a Jury Trial and was continued due to new counsel being appointed and was continued due to having new counsel appointed. The parties appeared to have a new trial date assigned.

Therefore, these offenses are reset for a Jury Trial and the request of the Commonwealth on December 2, 2019 at 9:00 A.M.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA )  
CITY OF MARTINSVILLE )

NOTICE TO APPEAR

VS. )

Brian Hill )

CASE # CL19000009

DEFENDANT )

You are required to appear in person before the Martinsville Circuit Court, in this Courtroom, on December 2, 2019, at 9:00 AM/PM.

Unexcused failure to appear at the time and place specified will constitute a separate criminal offense for which you can be charged, and if convicted, will subject you to a fine and/or jail sentence regardless of what happens to the original charge(s).

You agree to follow the Instructions on the bottom of this Notice.

You acknowledge receipt of this Notice, this 27<sup>th</sup> day of August, 2019.  
Brian D. Hill  
DEFENDANT

This is to certify that this Notice was executed on the above date by the Defendant, and that a copy was delivered to the Defendant.

[Signature]  
JUDGE/CLERK/DEPUTY CLERK

INSTRUCTIONS FOR THE DEFENDANT

1. You must personally appear at each court hearing on your case(s).
2. You have the right to be present at your trial and to confront and cross-examine witnesses.
3. You shall keep in touch with your attorney at all times.
4. If serious illness or emergency prevents you from appearing in court, you must call the Clerk's Office at (276) 403-5106 and fully explain the reason for non-appearance. You shall also promptly notify your attorney of any such problem(s).
5. Unexcused failure to appear in Court may result in you being tried in your absence, and additional criminal charges for Failure to Appear in Court.

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

**v.**

**BRIAN DAVID HILL,**  
**Defendant.**

**Case No: CR19000009-00**

**AMENDED BOND ORDER**

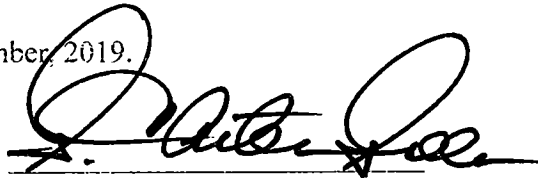
CAME THIS DAY the Defendant, Brian David Hill, by his counsel, and also the Commonwealth, by counsel; and upon agreement of counsel, it is hereby

ORDERED that the Defendant's Order for Bond entered on June 4, 2019, in this Court shall be amended as follows:

1. Defendant shall be allowed to leave the Commonwealth of Virginia for the purpose of attending Court in North Carolina and for meeting with his counsel for that matter, provided that he has documentation from that attorney, Renorda Pryor, Esquire, that verifies such meeting.

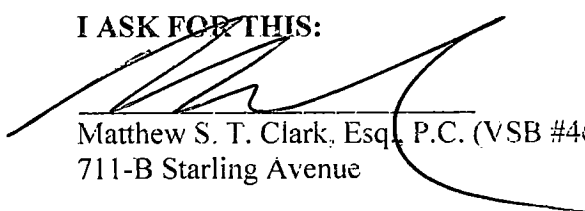
It is further ORDERED that the remaining provisions of the Order for Bond entered on June 4, 2019, shall remain in full force and effect.

ENTERED this 11<sup>th</sup> day of September, 2019.



Judge


**I ASK FOR THIS:**



Matthew S. T. Clark, Esq., P.C. (VSB #46753)  
711-B Starling Avenue

P.O. Box 903  
Martinsville, VA 24114  
Phone: (276) 634-4000  
Facsimile: (276) 634-4004  
[matthewstclarklaw@gmail.com](mailto:matthewstclarklaw@gmail.com)

**SEEN AND NOT OBJECTED:**

  
\_\_\_\_\_  
G. Andrew Hall, Esquire  
Commonwealth's Attorney

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>Brian David Hill,</b>	)	<b>Motion to Dismiss</b>
	)	
<b>Defendant,</b>	)	

**MOTION TO DISMISS**

COMES NOW criminal Defendant Brian David Hill ("Brian", "Hill") respectfully requests that the indictment for violation of Virginia Code (1) § 18.2-387. Indecent exposure; be summarily dismissed for lack of evidence of obscenity as required by statute, according to persuasive authorities as stated herein. Also Hill would like to request dismissal based upon the additional ground that Hill will not receive a fair and impartial jury trial as guaranteed by the U.S. Constitution or that in alternate the Commonwealth Attorney should be barred from bringing up Brian's federal conviction when Brian testifies as a witness as it would create prejudice.

This court should also examine whether the Commonwealth Attorney ("Commonwealth") for the Commonwealth of Virginia had violated state bar Rule 3.8, *"Additional Responsibilities Of A Prosecutor"*.

The persuasive case law authorities are cited herein:

1. Kenneth Wayne Romick v. Commonwealth of Virginia, Record No. 1580-12-4, Argued at Alexandria, Virginia



2. A. M. Commonwealth of Virginia, Record No. 1150-12-4, Argued at Alexandria, Virginia
3. Kenneth Samuel MOSES v. COMMONWEALTH of Virginia, Record No. 0985-03-3, Court of Appeals of Virginia, Richmond.
4. Kimberly F. Neice v. Commonwealth of Virginia, 1477093 (Va. Ct. App. 2010), Record No. 1477-09-3, CIRCUIT COURT OF GILES COUNTY.
5. Price v. Commonwealth, 214 Va. 490, 493, 201 S.E.2d 798, 800 (1974)
6. Hart v. Commonwealth, 18 Va. App. 77, 79, 441 S.E.2d 706, 707 (1994)

Analysis:

From A. M. Commonwealth of Virginia:

*“Code § 18.2-387, the statute under which appellant was convicted, states:”*

*“Every person who intentionally makes an obscene display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor. No person shall be deemed to be in violation of this section for breastfeeding a child in any public place or any place where others are present.”*

*“(Emphasis added).”*

*“While “private parts” can include the buttocks, Hart v. Commonwealth, 18 Va. App. 77, 79, 441 S.E.2d 706, 707 (1994), Code § 18.2-387 does not criminalize mere exposure of a naked body, see Price v. Commonwealth, 214 Va. 490, 493, 201 S.E.2d 798, 800 (1974) (“A portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene.”). Instead, a conviction under Code § 18.2-387 requires proof beyond a reasonable doubt of obscenity.”*



*"Code § 18.2-372 defines the word "obscene" accordingly:"*

*"The word "obscene" where it appears in this article shall mean that which, considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex, that is, a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value."*

*"(Emphasis added)."*

*"The "obscenity" element of Code § 18.2-387 may be satisfied when: (1) the accused admits to possessing such intent, Moses v. Commonwealth, 45 Va. App. 357, 359-60, 611 S.E.2d 607, 608 (2005) (en banc); (2) the defendant is visibly aroused, Morales v. Commonwealth, 31 Va. App. 541, 543, 525 S.E.2d 23, 24 (2000); (3) the defendant engages in masturbatory behavior, Copeland v. Commonwealth, 31 Va. App. 512, 515, 525 S.E.2d 9, 10-11 (2000); or (4) in other circumstances when the totality of the circumstances supports an inference that the accused had as his dominant purpose a prurient interest in sex."*

From Kenneth Wayne Romick v. Commonwealth of Virginia:

*"Kenneth Wayne Romick was convicted of indecent exposure, third offense, in violation of Code §§ 18.2-387 and 18.2-67.5:1, and he argues the evidence was insufficient to prove that he intentionally made a display of his private parts and that such display was obscene. We agree that such display was not obscene and reverse and dismiss the indictment."*

*"The mere exposure of a naked body is not obscene. See Price v. Commonwealth, 214 Va. 490, 493, 201 S.E.2d 798, 800 (1974) (finding that "[a] portrayal of*



nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene”).”

The facts that were established are as follows:

According to the evidence submitted by the United States Attorney office for the Middle District of North Carolina, concerning the very state charge of indecent exposure for the supervised release violation, officer Robert Jones (the one who charged Hill with indecent exposure) had admitted under oath (penalty of perjury) that Brian had not been obscene. He also had admitted on the stand at the General District Court of Martinsville on December 21, 2018, that he did not see any arousal and not seen any masturbation. Brian had filed true and correct photocopies of federal court declarations/affidavits where Brian had admitted multiple times under oath in writing that he “never masturbated”. See Seq. #4, MOTION to admit evidence, filed 01/23/2019, see Seq. #7 MOTION to file evidence before trial, filed 04/08/2019.

*“...I was threatened to get naked, I never masturbated, it was a crazy incident.”*

*“Whoever threatened me needs to be charged and arrested...” (ECF No. 153, Pg. 9, U.S. District Court, Middle District of North Carolina, case no. 1:13-cr-435)*

*“Attorney said that I can bring up about the guy wearing the hoodie. Said that under the law, I would have to have masturbated or be aroused in public to have committed indecent exposure. After he heard my story about the guy in the hoodie, he said taking pictures of myself is not illegal. So he argued that I am technically innocent.” (ECF No. 163, Pg. 5, U.S. District Court, Middle District of North Carolina, case no. 1:13-cr-435)*



*"I never masturbated, I told the police the truth. When I was seen by a passing vehicle, I never masturbated."* (ECF No, 163, Pg. 4, *U.S. District Court, Middle District of North Carolina, case no. 1:13-cr-435*)

Same statements in Amended declaration under Document #164 of Brian's federal case.

Multiple affidavits, same statements that Brian had never masturbated in public.

There is no evidence at all of obscenity, no evidence of sexual behavior.

The only inferences of attempting to establish any element of obscenity was that one attorney gave Brian his opinion that Brian was reportedly smiling in some photographs. Brian has a mental and neurological condition known as Autism Spectrum Disorder. Mental examinations should not only be limited to just competency and sanity. Brian has Autism Spectrum Disorder ("Autism"), and that disorder can affect and impair communications. Some days it is more difficult for another person to tell that Brian even has Autism, and other days it is easier to tell.

See Document #206 (*U.S. District Court, Middle District of North Carolina, case no. 1:13-cr-435*), MOTION entitled "Petitioner's Second Motion for Sanctions and to Vacate Judgment that was in Plaintiff's/Respondent's Favor; Motion and Brief/Memorandum of Law in support of Requesting the Honorable Court in this case Vacate Fraudulent begotten Judgment or Judgments" filed by BRIAN DAVID HILL. Response to Motion due by 11/5/2019. (Attachments: # (1) Exhibit 1, # (2) Exhibit 2, # (3) Supplement 1, # (4) Supplement 2, # (5) Supplement 3, # (6) Supplement 4, # (7) Envelope - Front and Back) (Garland, Leah), filed Oct 15, 2019.



The U.S. Attorney Office had also acquired information from Officer Robert Jones of Martinsville Police Department and had filed evidence on September 12, 2019, at the supervised release violation hearing in Winston-Salem, NC.

Under Exhibit 2 — Document #206, Attachment #2, one of the Government's exhibits, Brian had taken photos between 12:29AM to 1:01AM.

Brian also has Obsessive Compulsive Disorder ("OCD") which can cause him to have excessive compliance when directed to do something. That would explain why Brian had taken the amount of photos that he had done. Excessive behavior was caused by his OCD. Any medical doctor or psychologist that the Court would want to ask that is any expert in Autism would attest that Brian can smile in photos in a bad situation, that when Brian had been taught by his family to smile in front of the camera he can literally just smile in photos even where others aren't smiling, and can exhibit an inappropriate gesture or behavior that can misconstrued. It is important for this Court to take notice that Brian's Autism and OCD would explain both his excessive photo taking and Brian's smiling in some photographs. Autism can cause somebody to smile under circumstances where normal people would not smile, and police can mistake that gesture as a suspicious gesture. The photos were also not taken around the time and location where 911 was called, presumably by cell phone. Nobody called 911 when the photos were taken, but that somebody had called 911 around the road of "Hooker Street" where the Dick and Willie passage hiking trail was. At that area there was no place for Brian to hide himself and would have been seen regardless once a car had decided at night to have driven down the road of Hooker Street. That was also from the U.S. Attorney's reported evidence of where 911 was called on Brian. In fact the 911 caller had never elected to testify against Brian at the General District Court and neither at the Federal Court hearing on September 12, 2019.



Still Brian had not been aroused, Brian had not had a prurient interest in sex. Brian has Autism and OCD. Brian had admitted multiple times under oath in federal court documents in 2018 that he had never masturbated. Even the police admitted that Brian had carried things in his hands during the Supervised Release Violation hearing over this very charge. So Brian wasn't aroused and didn't appear to show any sexual arousal. The photographs were taken around the area of Greene Co. Inc., factory building around nighttime when nobody was working at that building, and 911 was reportedly called around Hooker Street which was miles away from the Greene Co. Inc., factory building and the area where Brian allegedly took the photos. Brian was never seen by a person when the photos were taken, a majority of the photos taken on or around private property and nobody was present in those areas to have witnessed Brian. The only time Brian was reported to the police, was at the Dick and Willie hiking trail around Hooker Street, where the Southern Finishing factory was. The photos were taken until 1:01AM and then around sometime around 3:00AM approximately, 911 was called on Brian. The person who called 911 may have called because they were concerned that a nude male was walking out at night and likely had thought that the person was drunk, an elderly person wandering away from a rest home or care home, or that it was a mentally ill or mentally deficient person, or person with mental retardation.

The evidence is insufficient to establish obscenity as required by the statute and the persuasive case law. That law was not meant to criminalize mere exposure of a naked body because it could then criminalize Alzheimer's patients and elderly patients with dementia because they had wandered around without their clothes on. It would wrongfully criminalize those with mental retardation and mental disorders instead of those with sexual intent aka a prurient interest in sex. The indecent exposure statute was never meant to criminalize those who were subject to carbon



monoxide gas in their homes, and had exhibited psychosis and possibly hallucinations.

There is insufficient evidence to establish any obscenity. There is insufficient evidence to establish that Brian had any intent to violate “§ 18.2-387. Indecent exposure.” Brian has brittle type 1 diabetes. When the police had found Brian, there was no blood glucose monitor, no insulin shots or pens, no glucose tablets, and no cell phones. Brian had no means to contact emergency services, he could have fallen on the Dick and Willie hiking trail had his blood sugar had been low and he would have died on the trail. There is clearly lack of sufficient evidence of intent for indecent exposure. Scott Albrecht (“Scott”) was right last year in the General District Court, Brian was innocent as he wasn’t obscene. Scott just didn’t present his case that good and didn’t show any case law that is shown by Brian. Scott didn’t think to present the case law but did ask Officer Jones if Brian had been aroused and had masturbated and the officer did not think Brian was aroused and did not see masturbation which goes along with Brian’s federal affidavits (Declarations) that he had “never masturbated”.

One more piece of evidence the Circuit Court should review was filed on federal court record, a letter and attached evidence exhibits that was mailed to the Police Chief of Martinsville, G.E. Cassady. That envelope was signed for by the Police Chief on August 7, 2019. See USPS tracking numbers 7017-2680-0000-5750-9122, 9590-9402-3527-7275-7497-41. Brian has proof of the signed return receipt and is ready to show the Court this proof upon request.

See Document #181 (*U.S. District Court, Middle District of North Carolina, case no. 1:13-cr-435*), “DECLARATION entitled "Evidence Declaration of Brian David Hill Regarding Carbon Monoxide and Letgter to Martinsville Police Chief in Opposition to Government's/Respondent's Documents #[156], #[157], #[158],



#[159], and #[160]" filed by BRIAN DAVID HILL. (Attachments: # (1) Exhibit 0, # (2) Exhibit 1, # (3) Exhibit 2, # (4) Exhibit 3, # (5) Exhibit 4, # (6) Exhibit 5, # (7) Exhibit 6, # (8) Exhibit 7, # (9) Exhibit 8, # (10) Exhibit 9, # (11) Exhibit 10, # (12) Envelope - Front and Back) (Garland, Leah)".

THE FACTS OF HIS LEGAL INNOCENCE to Warrant dismissal or summary judgment are as follows:

1. Brian David Hill never masturbated, never was visibly aroused at night on September 21, 2018, when he was out on the Dick and Willie hiking trail. Brian had no interest in the prurient interest in sex. Brian had not engaged in any sexual behavior.
2. Brian David Hill never took the photos in the area where 911 was called. 911 was called around Hooker Street which goes along part of the Dick and Willie passage hiking trail. He took the photos in just one area and nobody had seen him there to complain about it, and that was around the Greene Co. Inc. factory or warehouse building. The photos do not demonstrate evidence of obscenity. There was no obscenity at the time 911 was called on Brian around Hooker Street. The only reason the officers were made aware of the camera was when the backpack was searched and Brian had voluntarily given the officer Robert Jones permission to look at the camera, while Brian was at the hospital.
3. Code § 18.2-387 does not criminalize mere exposure of a naked body, see *Price v. Commonwealth*, 214 Va. 490, 493, 201 S.E.2d 798, 800 (1974).
4. Brian David Hill had mailed evidence to the Martinsville Police Chief containing (1) evidence of carbon monoxide gas exposure and possible poisoning, and (2) evidence of a threatening greeting card and other anonymous greeting card. One greeting card warning Brian's mother months



prior to the charge, that a “controlled action” would be commenced against Brian’s mother if she didn’t reportedly “cease this fiction”. Another greeting card mentioned “Snow White” and “Jay”. It should also be noted that “Snow White” is called a supercomputer of the U.S. Central Intelligence Agency (“CIA”), just thought it should be noted. Also John Jay was one of the founders of American Intelligence, also referenced by the U.S. CIA. Of course the threatening greeting card and carbon monoxide was ignored by Martinsville Police and ignored by the Commonwealth’s Attorney.

5. Brian’s Autism and OCD were ignored by the Commonwealth Attorney, in regards to his innocence.
6. Brian did not have access to his medicines that he would normally carry with him. That includes his NovoLog insulin pen (short acting) and Basaglar (Lantus, long acting insulin) glargine insulin pen or vial. He didn’t have any glucose tablets with him. It appears that Brian must have not done his nighttime long acting insulin otherwise Brian would have died and had fallen on the trail, have a diabetic seizure, and may have died or his body would have been eaten by animals and maybe never would have been found. That clearly shows that Brian didn’t plan any of it out, and so Brian had no intent to indecently expose. The area where 911 was called around Hooker Street, had nowhere for Brian to hide and conceal himself from a person in a passing vehicle. He was a sitting duck and further shows that Brian had no intent to indecently expose himself.
7. Brian had been exposed to carbon monoxide gas in his home as reported by chimney expert Pete Compton. So Brian being exposed to gas, would affect his mental state and would worsen his Autism, possibly causing controllable behaviors of his Autism to no longer be controllable such as wandering



around and being told by another person to get naked or something bad would happen to his mother.

8. Brian had reportedly met the guy in the hoodie around est. time-frame of 11:00PM to 12:00AM at night. Law enforcement was called around sometime at 3:00AM, still at night. That had given the “guy in the hoodie” enough time to escape after threatening to kill Brian’s mother. Just because the police were unable to find a guy wearing a hoodie, doesn’t mean that there was no guy who had worn a hoodie and had decided to be a bully to Brian by using his Autism to get him to take his clothes off by peer-pressure. Brian again, had been in a home with chimney flues blocked with metal tin last year, and would cause Brian to be subject to carbon monoxide gas which evidently would poison him enough to create a mental impairment or diminished capacity. Also establishes that Brian had no intent to indecently expose. Yes, Brian doesn’t have the levels of carbon monoxide, but Brian couldn’t have been expected to produce such levels when the blood-work obtained from Brian’s arm at Sovah Hospital had been destroyed after the laboratory tests were ordered but then later to be deleted from his chart, and the Martinsville Police failed or refused to retain the blood vials as evidence to test for any drugs/narcotics, and gases in the blood. The burden of proof of the “levels” should not be placed on Brian when Brian was taken directly to Jail with some of the worst medical care and they would not have tested Brian for carboxyhemoglobin. The Jail would not have done any lab tests of Brian.

There is lack of evidence of guilt, and thus Brian David Hill is legally innocent of § 18.2-387. Indecent exposure. It is a waste of time and tax payers money for a jury trial and the jury trial will be prejudiced and Brian will explain herein as to



why the Commonwealth Attorney had pushed for a jury trial (See Seq. #19, "CA OF REQ JURY-SET 8/31@9A") while Brian had signed a waiver of jury trial but instead had wanted a bench trial. The Commonwealth Attorney had intended to deprive Brian of his ability to show or prove legal innocence to his charge by requesting the jury trial. The Commonwealth Attorney intends to deter and prevent Brian from testifying on the stand for this jury trial by asking Brian about his [wrongful] federal conviction in 2014, to purposefully prejudiced the jury and prevent them from being a rational trier of fact for the state charge as the federal conviction/charge has no relevance to the facts of what had happened on September 21, 2018.

So for Brian being legally innocent of indecent exposure, Brian requests dismissal of the indictment and dismissal of this case once and for all. There is no evidence of obscenity, and any inferences that could have established any elements of obscenity with Brian smiling in some photos when that is part of his Autism which is a communication disability/disorder clearly show that his Autism and OCD would negate those facts as any intent. For example: In fact Brian was in a photograph of white water rafting where everyone in the raft was focused on rafting and not smiling but Brian had looked directly at the camera and smiled for the picture in a situation where nobody else was smiling. So Autism causes somebody to give an incorrect body gesture or facial expression and can give the wrong gesture at the wrong time. An expert in Autism can prove this to be true.

Now as to why the jury trial will be prejudiced and biased, that was already brought up in Brian's Seq. #26, "MOTION TO SUPPRESS EVIDENCE", filed 07/26/2019.

Brian's federal conviction has no relevance to the facts on September 21, 2018, in regards to Brian's indecent exposure. Brian had consulted with different private



attorneys of course had consulted with his past court appointed lawyers and they exhibited the same concerns that Brian should not continue with jury trial because “...*If you testify, the Commonwealth will bring up your federal conviction*”. That deprives Brian of his right to testify and explain why he was naked on the Dick and Willie passage at night. He won’t be able to bring up about his Autism or the Carbon Monoxide gas he had been exposed to and the medical records cumulative evidence that the Martinsville Police had ignored when Brian had mailed them attempting to show proof to the Martinsville Police as to why he was naked.

The prejudice is that when Brian starts testifying which may create an impact in his case in showing evidence that Brian was already not obscene and had no intent to indecently expose himself, then the Commonwealth Attorney could ask Brian what his federal conviction was and if Brian said “*Possession of child pornography, but I have filed motions to vacate the judgements for fraud upon the court and plan on filing a motion to vacate the conviction based on fraud upon the court, I had already filed a 2255 Motion for federal Writ of Habeas Corpus on the ground of actual innocence that cannot be subject to a strict time bar*”. It would still prejudice the jury when they hear the words “child porn” and they would forget about Brian’s legal innocence in his state case. They would refuse to hear about any facts that Brian wasn’t obscene. They would automatically think that Brian had perverted intent when he was out on the hiking trail at night, even though there are no kids on the trail at night, and there are no playgrounds on that trail. People would jump to conclusions and no jury trial would be fair and impartial under those circumstances as was already brought up in Brian’s pro se motion to suppress evidence.

Because the case is involving legal issues of Brian’s legal innocence to indecent exposure, and legal issues of Brian attempting to overturn his wrongful federal



conviction of “child porn” on the grounds of actual innocence and fraud upon the court. In fact as of this pleading, Brian had filed an amendment to his 2255 Motion (federal Writ of Habeas Corpus) for an additional ground of fraud upon the court by the U.S. Attorney Office. Because the legal issues are uncertain and the issue of frauds upon the court are being raised since last year in the federal filings, Brian’s conviction of “child porn” should not be brought up at all at any trial by jury for this charge otherwise it would taint the jury with automatic prejudice and irrelevant facts, and would cause a jury to more likely than not refuse to be a reasonable and rational trier of fact but instead believe that Brian was a pervert due to his 2013 federal charge and would taint the jury’s viewpoint to not look at the facts of this state case. Brian would not have a fair trial under this alone, and his legal innocence to his state charge would not be recognized by the jury due to hearing any of his [wrongful] federal conviction back in 2014.

VIRGINIA RULES OF EVIDENCE, ARTICLE IV. RELEVANCY, POLICY, AND CHARACTER TRAIT PROOF, Rule 2:403: EXCLUSION OF RELEVANT EVIDENCE ON GROUNDS OF PREJUDICE, CONFUSION, MISLEADING THE JURY, OR NEEDLESS PRESENTATION OF CUMULATIVE EVIDENCE

*“Relevant evidence may be excluded if: (a) the probative value of the evidence is substantially outweighed by (i) the danger of unfair prejudice, or (ii) its likelihood of confusing or misleading the trier of fact; or (b) the evidence is needlessly cumulative.”*

The facts should stay with whether Brian David Hill had clearly been obscene (*had an interest in the prurient interest in sex*) and had any intent to indecently expose himself by being naked at night. His federal conviction is under collateral attack for his actual innocence and fraud upon the court, but regardless of those facts the jury would still immediately jump to conclusions and immediately want to find



defendant guilty without accepting any evidence or testimony. The risk of prejudice is too high for the federal conviction to ever be admitted at the jury trial. It would make it more likely than not that the jury trial will not be fair and impartial and would use facts or fraudulent conclusions from another case in another state with no relevance to the pending state charge to contaminate this state case and cause the guilt to be found by a trier of fact on the basis of contamination from another criminal case in federal court. Any information of Brian's "conviction" of "child porn" when it is already being attacked for fraud upon the court and actual innocence, is prejudicial and will not aid in establishing the facts as to what had happened on September 21, 2018. No children was involved at all in what had happened. It was clearly an adult who had called 911 and was driving the vehicle that had spotted Brian on "Hooker Street". The federal conviction should not be brought up and the Commonwealth should be barred from compelling Brian to tell the jury his federal conviction as Brian will clearly plead his Fifth Amendment right to remain silent to that question if asked so that the jury is not unconstitutionally prejudiced off the bat with irrelevant evidence as his federal conviction has no relevance to whether Brian was being obscene when naked, as to Brian's intent on indecent exposure, any facts of Carbon Monoxide, and as the facts that can be established clearly of what had happened on September 21, 2018. The U.S. Constitution guarantees an "impartial" and "fair" trial for criminal defendants.

Brian clearly will not receive a fair and impartial trial by jury with his federal conviction and the fact that it is being challenged on the merits of actual innocence and fraud upon the court. Brian has already established his legal innocence, and that there is no evidence of obscenity, and no intent to engage in indecent exposure as required by the statute.



Brian clearly requests dismissal of the indictment/charge or summary judgment and dismissal of this case on the grounds of (1) insufficient evidence to establish guilt, (2) case law authorities in his favor, (3) legal innocence, and (4) the Commonwealth Attorney plans on causing prejudice on the jury in regards to the defense if Defendant testifies which creates a hole in him being able to have a defense because the Commonwealth may force him to tell the jury what his wrongful federal conviction was back in 2014.

Brian respectfully requests dismissal of this case.

WHEREFORE, the undersigned defendant prays that he has shown good cause and prays as follows:

1. That the Court find good cause has been shown to dismiss the criminal indictment and case for lack of evidence;
2. That the Court find good cause that Brian David Hill has shown legal innocence to his charge of indecent exposure;
3. That in the event that the Court cannot find any good cause to dismiss the case, in alternative that the Court enter an order of prohibition, to prevent the Commonwealth Attorney from bringing up any questions or comments at the jury trial about Brian's past federal conviction which such conviction would prevent Brian from testifying fairly and impartially and would automatically prejudice the jury;
4. That the Court enter an order for any other relief deemed as necessary and proper.

Also I would like to bring up a potential question of what could be a fraud upon the court.



Martinsville Police Officer Sgt. Robert Jones who had charged Brian with indecent exposure, had told Brian's mental evaluator last year that Brian was taking photos of himself throughout the town (or throughout the city). That isn't the truth according to the exhibit by the U.S. Attorney Office concerning the state indecent exposure charge.

Under Exhibit 2 — Document #206, Attachment #2, one of the Government's exhibits, Brian had taken photos between 12:29AM to 1:01AM. (U.S. District Court, Middle District of North Carolina, case no. 1:13-cr-435)

Another exhibit shows where 911 was called and that was on the road of Hooker Street. The photographs were taken around one area, and was not taken all over town or all throughout the town. That may be a fraud upon the court that may have been brought up in General District Court, and that was also injected into the mental examination that was ordered in General District Court.

Brian asks that the Court conduct a hearing on any fraud upon the court by the Martinsville Police Department and the Commonwealth Attorney. That is an inherit power/authority of the court to investigate any frauds upon the court.

See "*Chambers v. Nasco, INC*, 501 US 32, 115 L. ED 2d 27, 111 S Ct 2123 (1991), Courts §18 "inherent or implied powers", as well as Courts §225.1; Equity §47 "power to vacate fraudulent judgment", "this Court has an inherent power to investigate a fraud upon the Court and to vacate an earlier judgment upon proof of such fraud."

Hill respectfully files this Motion with this honorable Court, this the 2nd day of November, 2019.



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Respectfully submitted,

  
*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

JusticeForUSWGO.wordpress.com

Amazon: The Frame Up of Journalist Brian D. Hill

This pleading had been transmitted by facsimile to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 2, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112 and at Fax: (276) 403-5232.

#### CERTIFICATE OF SERVICE

I hereby certify that on this the 2nd day of November, 2019, a true copy of the foregoing Motion/Pleading was transmitted by facsimile to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478.



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Brian D. Hill  
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

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FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 11/04/2019 009:02:25

TESTE: E. Lamin  
CLERK/DEPUTY CLERK

253

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>Brian David Hill,</b>	)	<b>Motion to Withdraw Appeal</b>
	)	
<b>Defendant,</b>	)	

**MOTION TO WITHDRAW APPEAL**

COMES NOW criminal Defendant Brian David Hill ("Brian", "Hill") respectfully requests to withdraw the Appeal of the December 21, 2018, General District Court finding of guilty. However Brian does NOT waive his right to collaterally attack/challenge his conviction in General District Court and also does NOT waive his right to file a Writ of Actual Innocence.

The reason for withdrawing his appeal is because he is facing a fixed jury trial where the cards are stacked against him. It will not be a fair trial and his legal innocence will not matter as various private lawyers had explained to Brian when Brian's family asked for free consultation with multiple private lawyers, to see if any had opinions differing from the court appointed lawyers.

One lawyer told Brian that his federal conviction will be brought up if Brian testifies on the stand, when testifying is necessary to show a defense that Brian has Autism Spectrum Disorder which would explain why Brian smiles in photos, because his Autism affects his behaviors and can cause incorrect or abnormal behaviors such as smiling or giving the inappropriate facial expressions or gestures



during a situation of duress or in any other situation. Autism should not be legally treated as the same as normal behaviors because Autism behaviors differ from the normal set of expected human behaviors in a society. Such as after being threatened Brian didn't walk for miles to get to the Police Department but instead did exactly what the man in the hoodie had directed Brian to do or his mother will be killed, he presumed that if he didn't do what the man in the hoodie had said. Another lawyer said that his affidavits filed in federal court about his state case cannot be used. Another one said that Brian's allegation of fraud upon the court against the Commonwealth Attorney cannot be sustained because the evidence that may prove fraud by the Police Department cannot be used because of dual sovereignty where federal evidence concerning the same state charge of indecent exposure and is relevant to it cannot be brought up at the jury trial because of a claim of dual sovereignty, then hinting that Brian may face contempt of court for bringing the truthful allegations because of a technicality of dual sovereignty barring Brian from bringing up a map in the federal case showing where Brian allegedly took the pictures on September 21, 2018, which disproves Martinsville Police Department's fraudulent claim that Brian took photos all around the town, or all around the city when the evidence presented by the U.S. Attorney and witness Sergeant Robert Jones differs from his earlier claims to the psychologist which means fraudulent claims was told to both the psychologist of the mental evaluation at the General District Court level. Different lawyers gave slightly different opinions but all of them recommended that Brian withdraw his appeal because he would not win the jury trial even if he is legally innocent because the jurors would be biased and picked from the bible belt area and would automatically make their own personal determinations of Brian's guilt rather than the law's determination in the Appellate courts of record. They thought if Brian had faced a bench trial that he'd have a better chance at being found legally innocent of his



charge. Since there is no way possible for Brian to get a bench trial, the lawyers thinks Brian has a poor chance, which doesn't make any sense.

Brian was told he can't have this as evidence, he cannot have that as evidence. Brian doesn't seem to be getting anywhere and each lawyer just gives the same bad news, that because Brian was wrongfully convicted of possession of child pornography in a corrupt Federal Court in the Middle District of North Carolina that ignored evidence and wouldn't show Brian all of his discovery material before compelling him to falsely plead guilty, that his Writ of Habeas Corpus on the ground of actual innocence does not matter, and that his fraud upon the court allegations in his federal case that were unopposed also does not matter for his state case. All the jurors would hear is about Brian's "sex charge" when Brian testifies on the stand and he was told by one private lawyer that he cannot bring up to the jury that he is fighting his federal criminal conviction on the ground of actual innocence and fraud upon the court and both of them are not subject to statute of limitations, and that it can be used to discredit him as a witness because all felons are liars as one lawyer told Brian. It takes time for Brian to overturn his wrongful federal conviction but the state jury trial will not delay indefinitely for Brian to overturn his wrongful conviction in Federal Court so that then he can testify at the jury trial without facing that prejudice. Brian will not get a fair trial in state court until his federal conviction is overturned, or that President Donald John Trump grants Brian a pardon of innocence for his federal conviction. His federal conviction cannot establish any facts or relevance as to why Brian was naked (but not obscene) on September 21, 2018. However when the jurors hear the words "possession of child pornography", any Christian will instantly turn on Brian and want him dead or to suffer, and want his house burned down. Because of the stigmatization of his "federal sex charge" of "possession", his actual innocence



will not matter, even if Brian is later found actually innocent of his wrongful federal conviction, if they hear those words, their ears turn off, their brains turn off, and their eyes turn off and they will refuse to hear or see any evidence except that Brian will be guilty because they will all believe that he is guilty when they hear the words of his federal conviction if Brian were to testify on the stand. He doesn't stand a chance, even if he is legally innocent. His pro se motions do not work because they force all motions through his attorney who isn't fighting for him. Brian submitted interrogatories to the Commonwealth's Attorney to ask for answers but his own lawyer will not submit interrogatories asking the same questions that were asked in Federal Court by Attorney Renorda Pryor, which would allow answers under oath before the trial and would give Brian a good chance at trying for a motion to dismiss based on the fact that Brian wasn't being obscene and obscenity is required in order for Brian to be found guilty of V.A. Code § 18.2-387. "Indecent exposure." Brian is legally innocent but the Jury will not recognize it if they are mainly Christians from the Bible belt, which highly likely will be Christians from the Bible belt. It doesn't matter what motions his friend Eric Clark (a legal expert from Kansas) tells Brian to file because any pro se motions he files or any interrogatories that he faxes to the Commonwealth Attorney will also be ignored because they were done pro se. He has been deprived of effective counsel every step of the way in his case, he doesn't stand a chance at jury trial. His former lawyer Scott Albrecht had never asked for the police body-camera footage while it was retained by Martinsville Police Department last year (*Brian also filed a motion for discovery for that body-camera footage but that was also ignored because it was filed pro se*), and Matthew Clark tells Brian that his letters to the Police Department asking for the body camera footage to be turned over to his lawyer doesn't matter, even though the body-camera footage would also help to show evidence of duress to the jury and show his autistic behaviors which



would be evident. His court appointed lawyers and private lawyers told him and his family that none of that matters, his legal innocence doesn't matter, none of the evidence matters. It is all one sided, a one sided jury trial that Brian would be facing. The prosecutor can use his autistic behaviors against him to make him look guilty but he isn't allowed to have a medical expert to testify to Brian's autism in his defense because the only defenses that will be accepted is if Brian were criminally insane (ruled mentally insane) and is declared cocoo, and that he would not be allowed to bring up anything from his Autism in his defense. They all practically said that if it was a bench trial, he would have a better chance at being found legally innocent for not being obscene, but Brian has no chance at a jury because it will all be fixed from what all lawyers have told Brian. Brian could debate with them all day long about how they are wrong about this and how they are about that, but Brian can't chance the minds of lawyers that are fixed to a certain belief or a certain repetitious ways of doing things a certain way all of the time, and that nothing else matters from this narrow way of doing things. Brian could file a motion to proceed pro se and try to set a new precedent on the way the rules work and that lawyers could have done this for Brian and could have done that for Brian, but then his Autism will work against him and make it difficult for Brian to present a case on his own during the jury trial as Brian is not a lawyer and has no Bar license, he doesn't have memorized the trial rules and rules of the court which puts him at risk of not knowing what he is doing, and if he is at risk of having an autistic meltdown, that would be used against him and put him in a worse situation. It is all fixed and Brian has no chance under a fixed jury trial. Since Brian is legally innocent, he can always file a Writ of Actual Innocence at a later time or ask a higher court to overturn his state conviction in General District Court on the basis of legal innocence since there is no time limit on actual innocence claims according to the U.S. Supreme Court on rulings for Writ of



Habeas Corpus petitions that are time barred but not time barred for actual innocence.

For the foregoing explanations above, Brian does not stand a chance, and because of his Autism his ability to present the case on his own (pro se) without any legal trial experience is a very good chance of losing and that his legal innocence would not matter to Christian Bible belt jurors. It would not matter to Christian Bible belt jurors even though Adam and Eve were naked but not sexual, and Noah was naked in the tent and his sons tried to cover him up and Noah got angry but was not sexual, and another bible story where Peter was fishing naked but wasn't sexual. However regular Christians would portray Brian's non-sexual nudity and confusing autistic behavior as sexual from their own religious perspectives. They wouldn't know of Brian's carbon monoxide exposure, they wouldn't know of Brian having a documented medical history of Mild Autism and would only know that at sentencing like that would matter, and they wouldn't know of Brian proving his innocence of possession of child pornography and be forced to tell the jurors under oath what his federal conviction was for but then would not be allowed to explain to the jurors that he had filed a Writ of Habeas Corpus petition in November 2017 for his actual innocence and was also attacking his conviction for fraud upon the court committed by the federal prosecution in violation of N.C. State Bar Rule 3.8.

For the foregoing explanations above, Brian would stand a better chance at a bench trial for his legal innocence or would stand a good chance of getting his case dismissed on not being obscene but his pro se motions are ignored and his lawyer refuses or fails to even try filing a motion to dismiss based on Brian's legal innocence on the obscenity requirement under Virginia persuasive case laws. There is no way Brian can legally push for a bench trial because the Commonwealth



Attorney pushed for jury trial, knowing that Brian will not get a fair trial and that his federal conviction can be used against him and prejudice the jurors one way or another. Legal innocence does not matter in a jury trial when the jurors can be prejudiced by a wrongful federal conviction that was and is currently being challenged on actual innocence and frauds upon the court under case law of *Chambers v. Nasco, Inc.* and other case laws. Brian would have won had it been a bench trial. Because of that reason, Brian has no choice but to withdraw his appeal from the General District Court, and consider finding other means to challenge his state case by other legal means he could use. He may even have to consider filing a Writ of Habeas Corpus in federal court for his state conviction in General District Court. Brian is having to weigh his options to ensure that his legal innocence is recognized and won't be barred by discrimination and prejudice on its face.

Then another lawyer who said that Brian did have a chance at being found innocent of indecent exposure, turned his back on Brian and refused to take the case at all because he spoke with Lauren McGarry who made a big deal out of somebody else's investigative work and blog post that doesn't even have the information on that blog for months after Brian's family requested that it be removed from Laurie's blog post on [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com). So that one lawyer refused to take the case because Lauren McGarry complained to him (this private lawyer) about somebody else's blog post from June or July of 2019. So Brian cannot even get a good lawyer to fight for him. Brian is screwed over, every way ever since the jury trial was started by the Commonwealth Attorney. Brian has had to beg for a pardon in his federal case for his actual innocence but Trump is being attacked so much by lies and deceit, Donald John Trump doesn't even have the time to consider pardoning Brian David Hill of his wrongful federal conviction on the basis of recognizing his actual innocence. Brian isn't going to



find a good lawyer that his family can pay for cheaply just so Brian can be found legally innocent and defeat his Supervised Release Violation in federal court over his legal innocence in this state case. One turned his back on Brian because of what one lawyer or two lawyers from the Martinsville Public Defender office had told him. Brian is screwed over in many ways and will never get a fair trial in this state case, EVER. Brian is having to consider asking for a non-local Virginia attorney away from the Bible belt and away from the Public Defender office, but then the cost will be unaffordable for a third party aka Brian's family to even pay to aid in Brian's winning this state case.

Brian's only chance to preserve his legal innocence is to withdraw his appeal in the Circuit Court, and just find another way to get a fair bench hearing to be found legally innocent of his state charge.

Brian has given a good series of explanations in this motion as to why he is withdrawing his appeal. He has other routes to prove his legal innocence and overturn his conviction in the General District Court. Brian doesn't to have to deal with any drama coming from the Martinsville Public Defender office over what one of Brian's friends had posted at [JusticeForUSWGO.wordpress.com](https://JusticeForUSWGO.wordpress.com) back in June or July 2019, but then removed those from the blog posting out of concerns from Brian's family that it would put a target on all of our backs. At this point, there is just no way any fair trial can happen in the City of Martinsville. Brian is requesting appeal be withdrawn and accepts the conviction in the General District Court, and will find other legal ways to overturn his wrongful conviction on December 21, 2018, in the Martinsville General District Court.

Also an argument suggested by Brian's family:

According to our US Constitution, Sixth Amendment - Rights of Accused in Criminal Prosecutions a defendant has a right to a speedy and public trial,



by an **impartial jury of the State and district wherein the crime shall have been committed**, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; **to have compulsory process for obtaining witnesses in his favor**, and to have the Assistance of Counsel for his defense.

It is now 21 or 22 days until Brian's jury trial. His attorney has not asked Brian who he would want to have as witnesses to represent him, has not tried to get a professional witness who understands and can explain to the jury how his autism caused him to leave the house and caused other things that night, and it is getting too close to time to prepare or arrange for these witnesses to appear. All cards are stacked against Brian and work for the prosecution which would explain why he wanted a jury trial, and Brian's court appointed attorney wanted a bench trial.

Brian and his family have contacted several local attorneys and found out from all that we live in a Bible belt so most jurors in this area will be offended by these photos. Taking photos of oneself in the nude is not against the law. These were taken in the dark when no one else was around, and the camera was in Brian's backpack at the time of arrest. Now these personal photos will be shown to many people without explaining that Brian has autism which is brain damage and similar to dementia and was under the influence of undetected carbon monoxide gas in his home for almost a year which caused Brian's health to worsen and caused a lot of physical damage to the ceiling above & walls around his fireplace from the gas hot water heater and gas boiler/furnace. The vent was blocked in the chimney. If Brian testifies, the prosecution then can bring up about a former charge, but Brian can't bring up that this charge is based on fraud upon the court and is being contested in court. With Brian's autism, he will most likely have a melt-down. This court appointed attorney wants Brian to testify and did not tell us what other attorneys have told us about this. This attorney has not discussed if he has obtained permission for Brian to have autism and type I insulin brittle diabetes supports in the court which is a federal law according to the Americans with Disabilities Act as well as instructions on how to question someone with autism in the court. He has not told Brian or his family what type of measure will be taken when they



question someone with autism. Brian has now accepted the fact that he will lose and so it is time to withdraw his appeal.

Hill respectfully files this Motion with this honorable Court, this the 11th day of November, 2019.

Respectfully submitted,

Brian D. Hill

*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

JusticeForUSWGO.wordpress.com

Amazon: The Frame Up of Journalist Brian D. Hill

This pleading had been transmitted by facsimile to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 11, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112 and at Fax: (276) 403-5232. It has also been transmitted by facsimile to the General District Court at the Fax: Fax: (276) 403-5114 since granting of this motion to withdraw appeal sends the case record back to the General District Court.

#### CERTIFICATE OF SERVICE

I hereby certify that on this the 11th day of November, 2019, a true copy of the foregoing Motion/Pleading was transmitted by facsimile to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville,



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478. Transmission ticket attached.

*Brian D. Hill*  
*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

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ORDER IN MISDEMEANOR OR  
TRAFFIC INFRACTION PROCEEDING

Case No. CR19000009-00

MARTINSVILLE CIRCUIT COURT ..... Circuit Court  
MARTINSVILLE

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
W	M	05	26	1990	6	00	150	BL	BR
SSN: [REDACTED] 0319									

v.  
BRIAN DAVID HILL

310 FOREST ST, APT 1

MARTINSVILLE, VA. 24112

SEPTEMBER 21, 2018

OFFENSE DATE

NOVEMBER 15, 2019

TRIAL DATE

The Defendant was this day ☐ tried in absence ☒ present

Attorney: CLARK, MATT ..... ☒ Appointed ☐ Retained

Original Charge: INDECENT EXPOSURE

Code Section: 18.2-387 ..... ☐ State Code ☒ Local Ordinance

Virginia Crime Code: OBS-3713-O1 ..... Offense Tracking Number: 690GM1800003560

**Plea:**

- ☒ Not Guilty ☐ Consent by Defendant to Waiver of Jury  
☐ Guilty as Charged ☐ Concurrence of Court and Commonwealth's Attorney  
☐ Guilty to Amended Charge ☐ Plea voluntarily and intelligently entered after defendant was apprised of his right  
☐ Nolo Contendere against compulsory self-incrimination, right to confront the witnesses against him,  
and right to a jury trial.

Charge: INDECENT EXPOSURE

Code Cite: 18.2-387 ..... Virginia Crime Code: OBS-3713-O1

**Finding:**

- ☐ Not Guilty ☐ Guilty of .....  
☐ Guilty as Charged ☐ Plea Agreement Accepted ☒ Appeal/Withdraw/Affirm ☐ Appeal not timely filed  
☐ Facts sufficient to find guilt but defer adjudication/disposition to .....  
DATE AND TIME

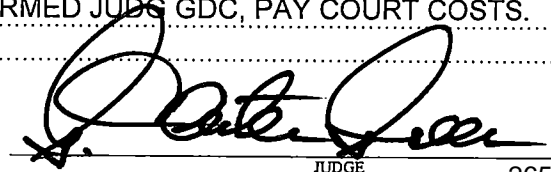
Charge: INDECENT EXPOSURE

Code Cite: 18.2-387 ..... Virginia Crime Code: OBS-3713-O1

**Order:**

- ☐ Nolle Prosequi ☐ Dismissed ☐ Dismissed with Prejudice ☐ Continued to ..... ☒ COSTS imposed  
DATE AND TIME  
☐ FINE ☐ CIVIL PENALTY of \$ ..... with \$ ..... suspended  
☒ JAIL SENTENCE of 30 DAYS imposed, ☐ of which ..... days mandatory minimum, with ..... suspended  
for a period of ....., conditioned upon being of good behavior, keeping the peace, obeying this order and  
for paying fines and costs.  
Credit is allowed pursuant to § 53.1-187 for time spent in confinement.  
☐ Serve jail sentence beginning ..... ☐ on weekends only  
☐ Work release ☐ authorized if eligible ☐ required ☐ Public work force ☐ authorized  
☐ not authorized ☐ not authorized  
☐ on PROBATION for ..... ☐ VASAP ☐ local community-based probation agency  
☐ DRIVER'S LICENSE suspended for .....  
☐ Restricted Driver's License per attached order ☐ Ignition Interlock for .....  
☐ Attached ORDER FOR RESTITUTION incorporated.  
☐ COMMUNITY SERVICE ..... hours to be completed by ..... and supervised by .....  
☐ to be credited against fines and costs  
☐ Contact prohibited between defendant and victim/victim's family or household members  
☐ Reimburse Commonwealth for investigatory medical fees ☐ Pay \$50 fee to the Court for Trauma Center Fund  
☐ Registration pursuant to Code § 9.1-903 for offenses defined in § 9.1-902 is required.  
☐ Remanded for ☐ CCRE Report ☐ .....  
☐ Bail on Appeal \$ .....  
☒ Other: DEF CHANGED HIS PLEA TO GUILTY AND AFFIRMED JUDGE GDC, PAY COURT COSTS.

11/18/19  
DATE

  
JUDGE

COMMONWEALTH OF VIRGINIA  
VA. CODE §§ 19.2-354; 19.2-358

Case No(s). CR19000009-00

In the Circuit Court for the ☒ City ☐ County of MARTINSVILLE

☐ COMMONWEALTH OF VIRGINIA

☒ CITY ☐ COUNTY OF MARTINSVILLE

v. BRIAN DAVID HILL

DEFENDANT

SSN

UNKNOWN

DRIVER'S LICENSE NUMBER

DRIVER'S LICENSE STATE

310 FOREST ST, APT 1, MARTINSVILLE, VA 24112

RESIDENCE ADDRESS

MAILING ADDRESS IF DIFFERENT FROM ABOVE

TELEPHONE NUMBER

**I. ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE**

I acknowledge that I have been notified that my driver's license/driving privilege:

☐ is suspended or revoked for a period of ..... effective ..... as a result of

☐ my conviction by this Court.

☐ action taken by the Virginia Department of Motor Vehicles pursuant to Va. Code § 46.2-390.1 for the Court's conviction or finding of facts sufficient to convict me of violating the drug laws (Va. Code §§ 18.2-247 through 18.2-264) of this Commonwealth.

☐ Declaration by the Virginia Department of Motor Vehicles ☐ Adjudication by ..... Court that I am a habitual offender.

I acknowledge that I owe fines, costs, forfeiture, restitution and/or penalty of \$ 1,222.45 plus any additional court-appointed attorney fee, if applicable.

I further certify that on this date this notice was read, understood by me, and I received a copy of the same, and that my driver's license

☐ WAS ☐ WAS NOT surrendered to this Court. Reason not surrendered:

November 15, 2019

(x) Brian D. Hill

DEFENDANT

DATE

State/Commonwealth of ☒ Virginia ☐ Martinsville

County/City of Brian David Hill

Acknowledged before me this day by

November 15, 2019

DATE

PRINT NAME OF SIGNATORY

☐ JUDGE ☒ CLERK ☐ NOTARY PUBLIC

Notary Registration No.

My commission expires:

READ PART I ON THE BACK OF THIS FORM FOR MORE STIPULATIONS, WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ACKNOWLEDGMENT.

**II. ORDER AND NOTICE OF DEFERRED PAYMENT OR INSTALLMENT PAYMENTS**

SEE PART II ON THE BACK OF THIS FORM FOR FURTHER STIPULATIONS, WARNINGS AND INFORMATION CONCERNING THIS NOTICE AND ORDER, WHICH ARE HEREBY INCORPORATED BY REFERENCE.

Upon due consideration, the Defendant's Petition for deferred or installment payments is accordingly ACCEPTED, and the Defendant is ORDERED to pay costs, fines, forfeiture, and penalty totaling \$ 1,222.45, plus restitution

totaling \$ ..... plus any additional court-appointed attorney fee, court reporter fee, and interest, if applicable, by:

☒ making 4 installment payments of \$ 300.00 per 6 MONTH beginning 05/15/2020 until paid in full; or

☐ making a deferred payment in full on or before .....

☐ Restitution payments are to be paid in accordance with the court's ORDER FOR RESTITUTION previously entered.

If Deferred payment is not received by the above due date, or if the final Installment payment is not received by ..... the defendant is hereby given NOTICE to return to this Court on ..... at .....

The total listed above does not include transcript costs and any costs/damages that may be charged if you appeal from this court.

**NOTICE: READ PART II ON THE BACK OF THIS FORM FOR MORE STIPULATIONS WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ORDER AND NOTICE.**

Entered this 15TH day of NOVEMBER, 2019

I have asked for and received a copy of this Order and Notice.

(X) Brian D. Hill

DEFENDANT

Bonky F. Pritchett

☐ JUDGE

☒ CLERK

## PART I

I understand that if I provide for payment of a fine or other monies due by a method other than cash and my payment fails, the Clerk will send me a written notice of my failure of payment. A penalty of \$50.00 or 10 percent of the amount of the payment, whichever is greater, may be charged if the method of payment fails.

I further understand that, if I am convicted of driving while my driver's license is suspended or revoked, I may be fined, sentenced to jail, or both.

I understand that upon suspension or revocation of my license, I may not operate a motor vehicle in the Commonwealth of Virginia until:

- (1) All periods of suspension imposed by any Court or the Department of Motor Vehicles have expired, AND
- (2) The Department of Motor Vehicles reinstates my license (if suspended) or issues a new license (if revoked) after:
  - (a) I have paid the reinstatement fee (if any) to the Department of Motor Vehicles, AND
  - (b) I have met all other administrative requirements of the Department of Motor Vehicles.

## PART II

I understand that if the Court has ordered deferred or installment payments, or community service to pay all or part of the fines and costs, I must make all required payments or perform all community service on time.

I understand that:

- (1) as a condition of this agreement, I must promptly inform the Court of any change of my mailing address during the term of the agreement;
- (2) if the fines, costs, forfeiture, restitution, and/or penalty are not paid in full by the date ordered, that the Court shall proceed according to the provisions of Va. Code § 19.2-358, which state that a show cause summons or capias for my arrest may be issued;
- (3) the amount(s) listed in this agreement may be administratively amended by the Clerk of this Court in the event additional costs should be assessed and if additional costs are assessed, that the Clerk will forthwith issue a notice to me of the total amount due by first class mail to my address of record;
- (4) the Court or Clerk thereof may adjust the final payment date administratively, without further notice, for installment payment agreements, if I fail to make a scheduled payment or for deferred payments, if I fail to pay in full by the date ordered, for the purposes of referring the account for action pursuant to Va. Code § 19.2-358.

I further understand that if the Court does not receive payments as ordered, my case will be referred for collection enforcement action under §§ 19.2-349, 19.2-353.5, 19.2-358, or 58.1-520 through 58.1-534 of the Code of Virginia. If my case is referred for collection enforcement action under § 19.2-349, the amount that I owe and that can be collected will be increased to reflect the additional costs associated with collection action. If any part of the amount due remains unpaid, pursuant to § 19.2-358, I may be subject to a jail sentence of up to 60 days or an additional fine of up to \$500.00.

Pursuant to Va. Code § 19.2-353.5, if interest on outstanding fines and costs owed to this court accrued during a period when I was incarcerated, I may request that the interest that accrued when I was incarcerated be waived by this Court.

This Order and Notice is provided to the Defendant pursuant to Va. Code § 19.2-354. This Order shall not be spread on the Order Book of this Court.

**DISPOSITION NOTICE**  
Commonwealth of Virginia

**DISPOSITION TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER:**  
Confine the person named in this notice in your facility in accordance with the order(s) below.  
**HOWEVER**, if the defendant appeals ANY of the charges below, **DO NOT RELEASE** him or her until ALL conditions of bail are met.

MARTINSVILLE

CITY OR COUNTY

☐ General District Court ☐ Traffic ☐ Criminal ☐ Civil Division  
☐ Juvenile and Domestic Relations District Court ☒ Circuit Court

05/26/1990

HILL, BRIAN DAVID

DATE OF BIRTH

NAME OF DEFENDANT (LAST, FIRST, MIDDLE) AND ALIAS, IF ANY

☒ Male ☐ Female ☒ Adult ☐ Juvenile

☐ DISPOSITION ADDENDUM listing additional cases is attached and incorporated.

1. Case No. CR19000009-00 Offense Date 09/21/2018 Original Charge INDECENT EXPOSURE  
☐ Not guilty ☐ Nolle prosequi ☐ Dismissed  
☒ Convicted of INDECENT EXPOSURE ☐ Felony ☒ Misdemeanor  
☐ State Code § ☒ Local Ordinance 18.2-387  
VCC OBS-3713-O1 OTN 690GM1800003560  
☐ Appeal noted ☐ Certified to Grand Jury ☐ FINE/COST ☐ OTHER suspended.  
☒ Jail sentence of 30 DAYS imposed with ☐ suspended.  
☒ mos. 30 days hours to be served in jail ☐ of which days mandatory minimum confinement.  
☐ Committed to the Department of Corrections for  
☐ Committed to the Department of Juvenile Justice for  
☐ Extradition waived, and Form DC-375 WAIVER OF EXTRADITION attached. If not delivered to Demanding State, return to court on , at ☐  
Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

2. Case No. Offense Date Original Charge  
☐ Not guilty ☐ Nolle prosequi ☐ Dismissed  
☐ Convicted of ☐ Felony ☐ Misdemeanor  
☐ State Code § ☐ Local Ordinance  
VCC OTN  
☐ Appeal noted ☐ Certified to Grand Jury ☐ FINE/COST ☐ OTHER suspended.  
☐ Jail sentence of imposed with ☐ suspended.  
☐ mos. days hours to be served in jail ☐ of which days mandatory minimum confinement.  
☐ Committed to the Department of Corrections for  
☐ Committed to the Department of Juvenile Justice for  
☐ Extradition waived, and Form DC-375 WAIVER OF EXTRADITION attached. If not delivered to Demanding State, return to court on , at ☐  
Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

☐ Civil Contempt ☐ To be served in jail ☐ Released upon payment of \$ support arrearages

to: PAYEE  
☐ Restitution ordered: \$  
☐ Other

**SPECIAL CONDITIONS:** ☐ Weekend ☐ Delayed confinement to begin on DATE at TIME  
☐ Work release ☐ Work release (if eligible) ☐ Home-electronic incarceration ☐ Drug testing ordered  
☐ Public Workforce Authorized

**BAIL AMOUNT:** \$ ☐ If transferred or certified to Circuit Court ☐ If appealed  
☐ Secured ☐ Unsecured ☐ Recognizance ☐ Held without bail ☐ No change in existing bail amount

☐ No change in existing bail conditions **Circuit Court date and time:**

**ADDITIONAL BAIL CONDITIONS:** Accused ☐ may ☐ may not depart the Commonwealth of Virginia.  
☐ Future Support Bond \$ ☐ Support Arrearage Bond \$ ordered and must be posted with the Clerk within thirty (30) days of civil contempt finding/criminal contempt conviction. (Form DC-460)

Donner 15, 2019  
DATE

☐ CLERK ☐ JUDGE

(PAGE 1 OF 1)

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>Brian David Hill,</b>	)	<b>Motion to Vacate Fraudulent</b>
	)	<b>Begotten Judgment</b>
<b>Defendant,</b>	)	

**MOTION TO VACATE FRAUDULENT BEGOTTEN JUDGMENT**

COMES NOW criminal Defendant Brian David Hill ("Brian", "Hill") respectfully requests that then Honorable Court move to vacate the judgment of conviction entered on November 15, 2019 and December 21, 2018, for fraud upon the court, for this Court lacking jurisdiction to convict Brian. Jurisdiction must be proven by the Court for the state conviction to remain valid.

Not just fraud upon the court, but the fact that this Court lacked jurisdiction to convict Brian of indecent exposure. This Court lacked jurisdiction to put Brian in a position to withdrawing appeal after Brian had filed the pro se motion to dismiss based upon his legal innocence as a matter of law. Brian never signed any papers agreeing to automatically enter in a plea of guilty and was not advised by his lawyers that withdrawing the appeal would automatically enter in a plea of guilty. Brian's lawyer did nothing to defend Brian, and that explains why Brian had filed one pro se motion after another in the Circuit Court record in this case. Deprived of equal access to the Court (equal protection under the laws), deprived of due process, deprived of effective counsel. This Court lacked jurisdiction to even accept withdrawing Brian's appeal.



This is pursuant to the Court's inherent powers to vacate a void judgment or voidable judgment based upon the ground of fraud and due process deprivation.

See *"Chambers v. Nasco, INC, 501 US 32, 115 L. ED 2d 27, 111 S Ct 2123 (1991), Courts §18 "inherent or implied powers", as well as Courts §225.1; Equity §47 "power to vacate fraudulent judgment", "this Court has an inherent power to investigate a fraud upon the Court and to vacate an earlier judgment upon proof of such fraud."*

The fraud perpetrated by the Commonwealth of Virginia are as follows:

1. The Commonwealth Attorney Glen Andrew Hall, was served a copy of "FAX MOT TO DISMISS" Seq. # 39, filed: 11/04/2019, with six relevant "persuasive case law authorities" demonstrating that Brian David Hill cannot be guilty of indecent exposure unless there was any evidence of obscenity. There was no evidence of any masturbatory behavior. Brian filed evidence earlier on in the case with copies of Federal Declarations (See "MOTION TO ADMIT EVIDENCE", Seq. # 4, filed 01/23/2019, and "MOTION TO FILE EVIDENCE BEFORE TRIAL", Seq. # 7, Filed 04/08/2019) stating that Brian David Hill admitted that he never masturbated when he was naked at night.
2. The Commonwealth Attorney Glen Andrew Hall, was served a copy of "PETITION FOR WRIT OF HABEAS CORPUS" and brief/exhibits, case no. CL19000331-00, filed November 18, 2019. Brian has evidence/proof of service by getting a signature of the clerk or secretary at the Commonwealth Attorney's office acknowledging receipt of the petition, brief / memorandum of law, and exhibits. Despite all of the evidence in favor of Brian's legal innocence to the charge of indecent exposure, the attorney did not comply



with V.A. State Bar Rule 3.8 by this attorney not allowing Brian the relief of being acquitted of his wrongful state conviction on November 15, 2019.

3. The Commonwealth Attorney Glen Andrew Hall, was served a copy of "FAX TO WITHDRAW APPEAL ", Seq. # 40, filed 11/12/2019, explaining why Brian was withdrawing his appeal due to unfair and prejudicial circumstances which would prevent him from being found legally innocent such as (1) his wrongful federal conviction which only bares prejudice and unfair bias towards any trier of fact in his state case and would contaminate any trier of fact to not try Brian David Hill based on the facts of the state case but based upon an old wrongful federal conviction in 2014; (2) Brian's attorney was ineffective to the extent where he didn't file a motion to dismiss, didn't file any motion to request that expert witnesses testify in his favor, or didn't file any pleadings in Brian's favor in regards to protecting his legal innocence but instead Matthew Clark and Lauren McGarry were pressuring Brian and his family to withdraw Brian's appeal. The Commonwealth Attorney knew that Brian was being deprived of effective assistance of counsel which is his Sixth Amendment right under the U.S. Constitution.
4. Brian was not notified by his attorney nor was he advised by his attorney that withdrawing his appeal would automatically enter a plea of guilty. He assumed that it would only reverse the appeal back to the General District Court finding of guilty on December 21, 2018. The guilty plea should not be valid and should be easy to attack on the ground of his legal innocence. Yet the Commonwealth Attorney cares so much about winning every one of his cases and not caring whether his opponents were actually innocent of their charges, he pushed for a jury trial to scare his court appointed lawyers into begging Brian to withdraw his appeal. Brian is not guilty and the



Commonwealth Attorney was made aware of it for months. Either by his pro se pleadings or by various faxes he had faxed the Commonwealth Attorney.

The Commonwealth Attorney Glen Andrew Hall is an officer of the court, and is subject to sanctions for fraud upon the court and being the cause of Brian David Hill being deprived of due process protections by having ineffective counsels. The fraud that he had perpetuated was forcing an legally innocent man to face a prejudicial jury trial and using his 2014 federal conviction against him to prevent Brian from testifying out of fear that the jury would automatically convict him when hearing the words "child pornography" but nothing about Brian's actual innocence in his 2255 motion (federal Writ of Habeas Corpus) and nothing about the frauds upon the court by Anand Prakash Ramaswamy of the United States Attorney Office for the Middle District of North Carolina. So first Brian already faces prejudice from his federal wrongful conviction back in 2014, and then on top of that he faced revocation of Supervised Release without any chance of overturning it completely if Brian is not found legally innocent of his state charge of indecent exposure. The Commonwealth Attorney knew that Brian has Autism, and that Brian's behavior of being naked at night was just simply that of being naked. No masturbatory behavior, no prurient interest in sex, and that Brian didn't even have his medicines with him in his backpack. The lie by Officer Sergeant Robert Jones (Martinsville Police) that Brian was running all over town or all around town taking pictures of himself. A map with the concurrence of witness Sergeant Robert Jones and the Assistant U.S. Attorney Anand Prakash Ramaswamy showed the locations of where the photographs were taken. It was not all around town, but only around one small area around both the Dick and Willie hiking trail and Greene Co. Inc. building. The time the photos were taken was a few hours before a passing vehicle had saw a naked man running and called 911



around Hooker Street, where the Southern Finishing factory and Dick and Willie passage hiking trail was, just like in Brian's federal affidavits. There was no mention of any obscenity, no mention of any masturbatory behavior. A man is running naked, and whoever had called 911 thought that he was likely in danger or was running from something. Robert Jones admitted in Federal Court transcript of the hearing dated September 12, 2019, that he saw two flashlights in both of Brian's hands. So there was no evidence of masturbatory behavior from the witness standpoint of Officer Jones. That's because Brian never masturbated at all.

The fraud upon the court is the fact that despite the case law and evidence being filed pro se by Brian, despite the evidence and arguments in his state Writ of Habeas Corpus case (CL19000331-00), despite Brian being misled and did not know that withdrawing the appeal would enter an automatic guilty plea when Brian never signed any plea agreements but just simply thought he was withdrawing the case out of Circuit Court and would revert back to the original decision in General District Court, The Commonwealth Attorney wanted to convict a legally innocent man with Autism and Obsessive Compulsive Disorder.

Brian plans on filing a grievance with the VA State Bar that Glen Andrew Hall violated Rule 3.8, and that he was unsympathetic towards Brian's legal innocence which is actual innocence, and done everything he could to push for Brian's conviction despite there being evidence filed pro se in favor of his legal innocence for there being no obscenity.

He is a licensed attorney and an officer of the court and his address is listed below:

Martinsville Commonwealth's Attorney Office  
55 W Church St  
PO Box 1311  
Martinsville, VA 24114 (24112 for the Office, 24114 for the PO Box)



Again, Brian will serve this motion with both the Circuit Court Clerk and Commonwealth Attorney via fax and the case law is again cited for reference.

The persuasive case law authorities are cited herein:

1. Kenneth Wayne Romick v. Commonwealth of Virginia, Record No. 1580-12-4, Argued at Alexandria, Virginia
2. A. M. Commonwealth of Virginia, Record No. 1150-12-4, Argued at Alexandria, Virginia
3. Kenneth Samuel MOSES v. COMMONWEALTH of Virginia, Record No. 0985-03-3, Court of Appeals of Virginia, Richmond.
4. Kimberly F. Neice v. Commonwealth of Virginia, 1477093 (Va. Ct. App. 2010), Record No. 1477-09-3, CIRCUIT COURT OF GILES COUNTY.
5. Price v. Commonwealth, 214 Va. 490, 493, 201 S.E.2d 798, 800 (1974)
6. Hart v. Commonwealth, 18 Va. App. 77, 79, 441 S.E.2d 706, 707 (1994)

Analysis:

From A. M. Commonwealth of Virginia:

*"Code § 18.2-387, the statute under which appellant was convicted, states:"*

*"Every person who intentionally makes an obscene display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor. No person shall be deemed to be in violation of this section for breastfeeding a child in any public place or any place where others are present."*

*"(Emphasis added)."*



*"While "private parts" can include the buttocks, Hart v. Commonwealth, 18 Va. App. 77, 79, 441 S.E.2d 706, 707 (1994), Code § 18.2-387 does not criminalize mere exposure of a naked body, see Price v. Commonwealth, 214 Va. 490, 493, 201 S.E.2d 798, 800 (1974) ("A portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene."). Instead, a conviction under Code § 18.2-387 requires proof beyond a reasonable doubt of obscenity."*

*"Code § 18.2-372 defines the word "obscene" accordingly: "*

*"The word "obscene" where it appears in this article shall mean that which, considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex, that is, a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value."*

*"(Emphasis added)."*

*"The "obscenity" element of Code § 18.2-387 may be satisfied when: (1) the accused admits to possessing such intent, Moses v. Commonwealth, 45 Va. App. 357, 359-60, 611 S.E.2d 607, 608 (2005) (en banc); (2) the defendant is visibly aroused, Morales v. Commonwealth, 31 Va. App. 541, 543, 525 S.E.2d 23, 24 (2000); (3) the defendant engages in masturbatory behavior, Copeland v. Commonwealth, 31 Va. App. 512, 515, 525 S.E.2d 9, 10-11 (2000); or (4) in other circumstances when the totality of the circumstances supports an inference that the accused had as his dominant purpose a prurient interest in sex."*

From Kenneth Wayne Romick v. Commonwealth of Virginia:



*“Kenneth Wayne Romick was convicted of indecent exposure, third offense, in violation of Code §§ 18.2-387 and 18.2-67.5:1, and he argues the evidence was insufficient to prove that he intentionally made a display of his private parts and that such display was obscene. We agree that such display was not obscene and reverse and dismiss the indictment.”*

*“The mere exposure of a naked body is not obscene. See *Price v. Commonwealth*, 214 Va. 490, 493, 201 S.E.2d 798, 800 (1974) (finding that “[a] portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene”).”*

The case law is citing other older case law, which makes it well-founded and very persuasive. Brian David Hill was only naked but wasn't being obscene. Brian had no intent to indecently expose and was not obscene as was brought out under oath in his Petition for Writ of Habeas Corpus (case no. CL19000331-00) and attached brief and exhibits.

The Commonwealth Attorney knew that Brian not being found legally innocent will subject Brian to wrongful federal imprisonment by revocation of his Federal Supervised Release. His federal imprisonment could be vacated if Brian is found legally innocent of his state charge. The Commonwealth Attorney knew that Brian stood a better chance at winning in a bench trial instead of a jury trial because of there being absolutely no fact of obscenity, and Brian would win as a matter of law. Brian was naked at night when there is high likelihood that no children or adults were present (except for the man wearing the hoodie), and was only seen by a passing vehicle at Hooker Street in Martinsville, Virginia. If that vehicle had not saw him running naked, Brian likely never would have even been charged, and the pictures never would have been used against him and would have remained private or could have been destroyed instead of leaving the camera or SD card at the bench



after Southern Finishing Factory to defy the man in the hoodie. That is since the taking of nude photographs of adults is not illegal. The nude photographs were taken at night and 911 was not even called when the photos were taken so they may not even be relevant or the jury may not have needed to see them. Whatever the case may be, Brian was not obscene, and taking photographs of himself is not illegal. Brian didn't take any photos of himself around the time that 911 was called.

Brian's court appointed lawyers failed him all in favor of the Commonwealth Attorney. Brian filed a motion to dismiss by FAX rather than his court appointed lawyer, it was ignored by the court because Brian had ineffective counsel in violation of his Sixth Amendment right under the U.S. Constitution, his due process is already deprived, and the Commonwealth Attorney doesn't do anything in compliance with V.A. State Bar Rule 3.8, and doesn't move to protect Brian's legal innocence. The Court lacked jurisdiction to wrongfully convict Brian and then to dismiss his Writ of Habeas Corpus and not leave Brian with a vehicle to challenge his wrongful conviction on the ground of actual innocence which is miscarriage of justice by the Martinsville Circuit Court.

The lack of due process and the fraud upon the court of wrongfully convicting an innocent man and forcing him into a position with his ineffective lawyers to withdraw his appeal not knowing that it would automatically enter a plea of guilty, it makes the entire judgment null and void. It is subject to vacatur on the basis of fraud and due process deprivation. The Court has an inherit power to correct the frauds and entitle Brian to due process protections as a matter of Constitutional law.

A judgment rendered by a **court without personal jurisdiction** over the **defendant** is void. It is a nullity. [A judgment shown to be void for lack of



personal service on the defendant is a nullity.] *Sramek v. Sramek*, 17 Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992), rev. denied 252 Kan. 1093 (1993).

“Court must **prove on the record**, all jurisdiction facts related to the jurisdiction asserted.” *Latana v. Hopper*, 102 F. 2d 188; *Chicago v. New York*, 37 F Supp. 150.

“The law provides that once State and Federal **Jurisdiction** has been challenged, it **must be proven**.” *Main v. Thiboutot*, 100 S. Ct. 2502 (1980).

“Jurisdiction can be challenged at any time.” and “**Jurisdiction**, once challenged, cannot be assumed and **must be decided**.” *Basso v. Utah Power & Light Co.*, 495 F 2d 906, 910.

“**Defense of lack of jurisdiction** over the subject matter **may be raised at any time**, even on appeal.” *Hill Top Developers v. Holiday Pines Service Corp.*, 478 So. 2d. 368 (Fla 2nd DCA 1985)

“Once challenged, **jurisdiction** cannot be assumed, it **must be proved** to exist.” *Stuck v. Medical Examiners*, 94 Ca 2d 751. 211 P2d 389.

“There is no discretion to ignore that lack of jurisdiction.” *Joyce v. US*, 474 F2d 215.

“The burden shifts to the **court to prove jurisdiction**.” *Rosemond v. Lambert*, 469 F2d 416.

“A universal principle as old as the law is that a proceedings of a **court without jurisdiction** are a **nullity** and its judgment therein without effect either on person or property.” *Norwood v. Renfield*, 34 C 329; *Ex parte Giambonini*, 49 P. 732.

“Jurisdiction is fundamental and a judgment rendered **by a court that does not have jurisdiction** to hear is **void ab initio**.” *In Re Application of Wyatt*, 300 P. 132; *Re Cavitt*, 118 P2d 846.



“Thus, where a judicial tribunal has **no jurisdiction** of the subject matter on which it assumes to act, its **proceedings** are absolutely **void** in the fullest sense of the term.” Dillon v. Dillon, 187 P 27.

“A court has **no jurisdiction to determine its own jurisdiction**, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance.” Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409.

“A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of **depriving one of a constitutional right**, is an **excess of jurisdiction**.” Wuest v. Wuest, 127 P2d 934, 937.

“Where a court failed to observe safeguards, it amounts to **denial of due process of law**, court is deprived of juris.” Merritt v. Hunter, C.A. Kansas 170 F2d 739.

“The fact that the petitioner was released on a promise to appear before a magistrate for an arraignment, that fact is circumstance to be considered in determining whether in first instance there was a probable cause for the arrest.” Monroe v. Papa, DC, Ill. 1963, 221 F Supp 685.

Read US v. Lopez and Hagans v. Levine both void because of lack of jurisdiction. In Lopez the circuit court called it right, and in Hagans it had to go to the Supreme court before it was called right, in both cases, void.

Challenge jurisdiction and motion to dismiss, right off the bat. If you read the Supreme Court cases you will find that **jurisdiction can be challenged at any time** and in the case of Lopez it was a jury trial which was declared void for want of jurisdiction. If it [jurisdiction] doesn't exist, it can not justify conviction or judgment. ...without which power (jurisdiction) the state CANNOT be said to be



“sovereign.” At best, to proceed would be in “excess” of jurisdiction which is as well fatal to the State’s/ USA ‘s cause. *Broom v. Douglas*, 75 Ala 268, 57 So 860 the same being jurisdictional facts FATAL to the government’s cause ( e.g. see *In re FNB*, 152 F 64).

A claim for relief from judgment on basis of “any other reason justifying relief from operation of the judgment” is cognizable where there is evidence of extraordinary circumstances or where there is evidence of extreme hardship or injustice, and, once extraordinary circumstances or hardship is found, this rule is to be liberally applied to accomplish justice. *U. S. v. McDonald*, N.D.Ill.1980, 86 F.R.D. 204.

If Brian David Hill is not found legally innocent of indecent exposure, it creates extreme hardship on Brian and forces him into Federal prison over the very state charge that he is legally innocent of but was deprived of effective counsel to show that proof de novo. It is an injustice, a miscarriage of justice. Brian is entitled to his legal innocence and withdrawal of his automatic guilty plea. Brian only agreed to withdraw his appeal in Circuit Court, not to enter a guilty plea. Brian was not advised that withdrawing appeal would enter a permanent guilty plea that cannot be challenged no matter what. That is in total violation of the Federal Supremacy Clause and in total violation of the United States Constitution.

Attorney’s motion for reconsideration on ground that court lacked jurisdiction to order him to pay court reporter could be entertained under rule governing relief from judgment and was not subject to time constraints of rule governing motion to amend judgment. *U.S. v. 789 Cases of Latex Surgeon Gloves*, C.A.1 (Puerto Rico) 1993, 13 F.3d 12



Void judgments are those rendered by a court which lacked jurisdiction, either of the subject matter or the parties, *Wahl v. Round Valley Bank* 38 Ariz. 411, 300 P. 955 (1931); *Tube City Mining & Milling Co. v. Otterson*, 16 Ariz. 305, 146 P. 203 (1914); and *Milliken v. Meyer*, 311 U.S. 457, 61 S.Ct. 339, 85 L.Ed. 2d 278 (1940).

A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, or an order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court, *Long v. Shorebank Development Corp.*, 182 F.3d 548 ( C.A. 7 Ill. 1999).

A void judgment is one which from the beginning was complete nullity and without any legal effect, *Hobbs v. U.S. Office of Personnel Management*, 485 F.Supp. 456 (M.D. Fla. 1980). Void judgment is one that, from its inception, is complete nullity and without legal effect, *Holstein v. City of Chicago*, 803 F.Supp. 205, reconsideration denied 149 F.R.D. 147, affirmed 29 F.3d 1145 (N.D. Ill 1992).

Void judgment is one where court lacked personal or subject matter jurisdiction or entry of order violated due process, U.S.C.A. Const. Amend. 5 – *Triad Energy Corp. v. McNell* 110 F.R.D. 382 (S.D.N.Y. 1986).

Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed. Rules Civ. Proc., *Rule 60(b)(4)*, 28 U.S.C.A.; U.S.C.A. Const. Amend. 5 – *Klugh v. U.S.*, 620 F.Supp. 892 (D.S.C. 1985).



A void judgment is one which, from its inception, was, was a complete nullity and without legal effect, *Rubin v. Johns*, 109 F.R.D. 174 (D. Virgin Islands 1985).

A void judgment is one which, from its inception, was a complete nullity and without legal effect, *Lubben v. Selevtive Service System Local Bd. No. 27*, 453 F.2d 645, 14 A.L.R. Fed. 298 (C.A. 1 Mass. 1972).

A void judgment is one which, from its inception, is and forever continues to be absolutely null, without legal efficacy, ineffectual to bind the parties or to support a right, of no legal force and effect whatever, and incapable of enforcement in any manner or to any degree – *Loyd v. Director, Dept. of Public Safety*, 480 So. 2d 577 (Ala. Civ. App. 1985).

A judgment shown by evidence to be invalid for want of jurisdiction is a void judgment or at all events has all attributes of a void judgment, *City of Los Angeles v. Morgan*, 234 P.2d 319 (Cal.App. 2 Dist. 1951). Void judgment which is subject to collateral attack, is simulated judgment devoid of any potency because of jurisdictional defects, *Ward v. Terriere*, 386 P.2d 352 (Colo. 1963).

A void judgment is a simulated judgment devoid of any potency because of jurisdictional defects only, in the court rendering it and defect of jurisdiction may relate to a party or parties, the subject matter, the cause of action, the question to be determined, or relief to be granted, *Davidson Chevrolet, Inc. v. City and County of Denver*, 330 P.2d 1116, certiorari denied 79 S.Ct. 609, 359 U.S. 926, 3 L.Ed. 2d 629 (Colo. 1958).

Void judgment is one entered by court without jurisdiction of parties or subject matter or that lacks inherent power to make or enter particular order involved and such a judgment may be attacked at any time, either directly or collaterally,



*People v. Wade*, 506 N.W.2d 954 (Ill. 1987). Void judgment may be defined as one in which rendering court lacked subject matter jurisdiction, lacked personal jurisdiction or acted in manner inconsistent with due process of law *Eckel v. MacNeal*, 628 N.E. 2d 741 (Ill. App. Dist. 1993).

Void judgment is one entered by court without jurisdiction of parties or subject matter or that lacks inherent power to make or enter particular order involved; such judgment may be attacked at any time, either directly or collaterally

*People v. Sales*, 551 N.E.2d 1359 (Ill.App. 2 Dist. 1990). Res judicata consequences will not be applied to a void judgment which is one which, from its inception, is a complete nullity and without legal effect, *Allcock v. Allcock* 437 N.E. 2d 392 (Ill. App. 3 Dist. 1982).

Void judgment is one which, from its inception is complete nullity and without legal effect *In re Marriage of Parks*, 630 N.E. 2d 509 (Ill.App. 5 Dist. 1994). Void judgment is one entered by court that lacks the inherent power to make or enter the particular order involved, and it may be attacked at any time, either directly or collaterally; such a judgment would be a nullity *People v. Rolland* 581 N.E.2d 907, (Ill.App. 4 Dist. 1991).

Void judgment under federal law is one in which rendering court lacked subject matter jurisdiction over dispute or jurisdiction over parties, or acted in manner inconsistent with due process of law or otherwise acted unconstitutionally in entering judgment, U.S.C.A. Const. Amed. 5, *Hays v. Louisiana Dock Co.*, 452 n.e.2D 1383 (Ill. App. 5 Dist. 1983).



A void judgment has no effect whatsoever and is incapable of confirmation or ratification, *Lucas v. Estate of Stavos*, 609 N. E. 2d 1114, rehearing denied, and transfer denied (Ind. App. 1 dist. 1993).

Void judgment is one that from its inception is a complete nullity and without legal effect *Stidham V. Whelchel*, 698 N.E.2d 1152 (Ind. 1998).

Relief from void judgment is available when trial court lacked either personal or subject matter jurisdiction, *Dusenberry v. Dusenberry*, 625 N.E. 2d 458 (Ind.App. 1 Dist. 1993).

Void judgment is one rendered by court which lacked personal or subject matter jurisdiction or acted in manner inconsistent with due process, U.S.C.A. Const. Amends. 5, 14 *Matter of Marriage of Hampshire*, 869 P.2d 58 ( Kan. 1997).

Judgment is void if court that rendered it lacked personal or subject matter jurisdiction; void judgment is nullity and may be vacated at any time, *Matter of Marriage of Welliver*, 869 P.2d 653 (Kan. 1994).

A void judgment is one rendered by a court which lacked personal or subject matter jurisdiction or acted in a manner inconsistent with due process *In re Estate of Wells*, 983 P.2d 279, (Kan. App. 1999).

Void judgment is one rendered in absence of jurisdiction over subject matter or parties 310 N.W. 2d 502, (Minn. 1981). A void judgment is one rendered in absence of jurisdiction over subject matter or parties, *Lange v. Johnson*, 204 N.W.2d 205 (Minn. 1973).

A void judgment is one which has merely semblance, without some essential element, as when court purporting to render is has no jurisdiction, *Mills v. Richardson*, 81 S.E. 2d 409, (N.C. 1954).



A void judgment is one which has a mere semblance, but is lacking in some of the essential elements which would authorize the court to proceed to judgment, *Henderson v. Henderson*, 59 S.E. 2d 227, (N.C. 1950).

Void judgment is one entered by court without jurisdiction to enter such judgment, *State v. Blankenship* 675 N.E. 2d 1303, (Ohio App. 9 Dist. 1996).

**Void judgment, such as may be vacated at any time is one whose invalidity appears on face of judgment roll,** *Graff v. Kelly*, 814 P.2d 489 (Okla. 1991). A void judgment is one that is void on face of judgment roll, *Capital Federal Savings Bank v. Bewley*, 795 P.2d 1051 (Okla. 1990).

**Where condition of bail bond was that defendant would appear at present term of court, judgment forfeiting bond for defendant's bail to appear at subsequent term was a void judgment within rule that laches does not run against a void judgment** *Com. V. Miller*, 150 A.2d 585 (Pa. Super. 1959).

A void judgment is one which shows upon face of record a want of jurisdiction in court assuming to render the judgment, *Underwood v. Brown*, 244 S.W. 2d 168 (Tenn. 1951).

A Void judgment is one which shows upon face of record want of jurisdiction in court assuming to render judgment, and want of jurisdiction may be either of person, subject matter generally, particular question to be decided or relief assumed to be given, *State ex rel. Dawson v. Bomar*, 354 S.W. 2d 763, certiorari denied, (Tenn. 1962).

A void judgment is one in which the judgment is facially invalid because the court lacked jurisdiction or authority to render the judgment, *State v. Richie*, 20 S.W.3d 624 (Tenn. 2000).



A void judgment is one which shows on face of record the want of jurisdiction in court assuming to render judgment, which want of jurisdiction may be either of the person, or of the subject matter generally, or of the particular question attempted to decided or relief assumed to be given, *Richardson v. Mitchell*, 237 S.W. 2d 577, (Tenn.Ct. App. 1950).

Void judgment is one which has no legal force or effect whatever, it is an absolute nullity, its invalidity may be asserted by any person whose rights are affected at any time and at any place and it need not be attacked directly but may be attacked collaterally whenever and wherever it is interposed, *City of Lufkin v. McVicker*, 510 S.W. 2d 141 (Tex. Civ. App. – Beaumont 1973).

A void judgment, insofar as it purports to be pronouncement of court, is an absolute nullity, *Thompson v. Thompson*, 238 S.W.2d 218 (Tex.Civ.App. – Waco 1951).

A void judgment is one that has been procured by extrinsic or collateral fraud or entered by a court that did not have jurisdiction over the subject matter or the parties.” *Rook v. Rook*, 233 Va. 92, 95, 353 S.E.2d 756, 758 (1987)

A void judgment is a judgment, decree, or order entered by a court which lacks jurisdiction of the parties or of the subject matter, or which lacks the inherent power to make or enter the particular order involved, *State ex rel. Turner v. Briggs*, 971 P.2d 581 (Wash. App. Div. 1999).

A void judgment or order is one that is entered by a court lacking jurisdiction over the parties or the subject matter, or lacking the inherent power to enter the particular order or judgment, or where the order was procured by fraud, *In re Adoption of E.L.*, 733 N.E.2d 846, (Ill.App. 1 Dist. 2000). Void judgments are



those rendered by court which lacked jurisdiction, either of subject matter or parties, *Cockerham v. Zikratch*, 619 P.2d 739 (Ariz. 1980).

Void judgments generally fall into two classifications, that is, judgments where there is want of jurisdiction of person or subject matter, and judgments procured through fraud, and such judgments may be attacked directly or collaterally, *Irving v. Rodriguez*, 169 N.E.2d 145, (Ill.app. 2 Dist. 1960). Invalidity need to appear on face of judgment alone that judgment or order may be said to be intrinsically void or void on its face, if lack of jurisdiction appears from the record, *Crockett Oil Co. v. Effie*, 374 S.W.2d 154 ( Mo.App. 1964).

Decision is void on the face of the judgment roll when from four corners of that roll, it may be determined that at least one of three elements of jurisdiction was absent: (1) jurisdiction over parties, (2) jurisdiction over subject matter, or (3) jurisdictional power to pronounce particular judgment hat was rendered, *B & C Investments, Inc. v. F & M Nat. Bank & Trust*, 903 P.2d 339 (Okla. App. Div. 3, 1995). Void order may be attacked, either directly or collaterally, at any time, *In re Estate of Steinfeld*, 630 N.E.2d 801, certiorari denied, See also *Steinfeld v. Hoddick*, 513 U.S. 809, (Ill. 1994).

Void order which is one entered by court which lacks jurisdiction over parties or subject matter, or lacks inherent power to enter judgment, or order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that party is properly before court, *People ex rel. Brzica v. Village of Lake Barrington*, 644 N.E.2d 66 (Ill.App. 2 Dist. 1994).

While voidable orders are readily appealable and must be attacked directly, void order may be circumvented by collateral attack or remedied by mandamus, *Sanchez v. Hester*, 911 S.W.2d 173, (Tex.App. – Corpus Christi



1995). Arizona courts give great weight to federal courts' interpretations of Federal Rule of Civil Procedure governing motion for relief from judgment in interpreting identical text of Arizona Rule of Civil Procedure, *Estate of Page v. Litzenburg*, 852 P.2d 128, review denied (Ariz.App. Div. 1, 1998).

**When rule providing for relief from void judgments is applicable, relief is not discretionary matter, but is mandatory.** *Orner v. Shalala*, 30 F.3d 1307, (Colo. 1994).

Judgments entered where court lacked either subject matter or personal jurisdiction, or that were otherwise entered in violation of due process of law, must be set aside. *Jaffe and Asher v. Van Brunt*, S.D.N.Y.1994. 158 F.R.D. 278.

A "void" judgment as we all know, grounds no rights, forms no defense to actions taken thereunder, and is vulnerable to any manner of collateral attack (thus here, by ).

**No statute of limitations or repose runs on its holdings, the matters thought to be settled thereby are not res judicata, and years later, when the memories may have grown dim and rights long been regarded as vested, any disgruntled litigant may reopen the old wound and once more probe its depths. And it is then as though trial and adjudication had never been.** 10/13/58 *FRITTS v. KRUGH*. SUPREME COURT OF MICHIGAN, 92 N.W.2d 604, 354 Mich. 97.

**On certiorari this Court may not review questions of fact. *Brown v. Blanchard*, 39 Mich 790. It is not at liberty to determine disputed facts (*Hyde v. Nelson*, 11 Mich 353), nor to review the weight of the evidence. *Linn v. Roberts*, 15 Mich 443; *Lynch v. People*, 16 Mich 472. Certiorari is an appropriate remedy to get rid of [a void judgment one which there is no evidence to**



**sustain.}]] *Lake Shore & Michigan Southern Railway Co. v. Hunt,***  
**39 Mich 469.**

In *Stoesel v. American Home*, 362 Sel. 350, and 199 N.E. 798 (1935), the court ruled and determined that, "Under Illinois Law and Federal Law, when any officer of the Court has committed "fraud on the Court", the order and judgment of that court are void and of no legal force and effect." In *Sparks v. Duval County Ranch*, 604 F.2d 976 (1979), the court ruled and determined that, "No immunity exists for co-conspirators of judge. There is no derivative immunity for extra-judicial actions of fraud, deceit and collusion." In *Edwards v. Wiley*, 374 P.2d 284, the court ruled and determined that, "Judicial officers are not liable for erroneous exercise of judicial powers vested in them, but they are not immune from liability when they act wholly in excess of jurisdiction." See also, *Vickery v. Dunnivan*, 279 P.2d 853, (1955). In *Beall v. Reidy*, 457 P.2d 376, the court ruled and determined, "Except by consent of all parties a judge is disqualified to sit in trial of a case if he comes within any of the grounds of disqualification named in the Constitution. In *Taylor v. O'Grady*, 888 F.2d 1189, 7<sup>th</sup> Cir. (1989), the circuit ruled, "Further, the judge has a legal duty to disqualify, even if there is no motion asking for his disqualification." Also, when a lower court has no jurisdiction to enter judgment, the question of jurisdiction may be raised for the first time on appeal. See *DeBaca v. Wilcox*, 68 P. 922. The right to a tribunal free from bias and prejudice is based on the Due Process Clause. Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his/her property, then the judge has engaged in the crime of interference with interstate commerce; the judge has acted in his/her personal capacity and not in the judge's judicial capacity. See *U.S. v. Scinto*, 521 F.2d 842 at page 845, 7<sup>th</sup> circuit, 1996. Party can attack subject matter jurisdiction at anytime in the proceeding,



even raising jurisdiction for the first time on appeal, *State v. Begay*, 734 P.2d 278. “A prejudiced, biased judge who tries a case deprives a party adversely affected of due process.” See *Nelson v. Cox*, 66 N.M. 397.

**There is no time limit when a judgment is void:**

*Precision Eng. V. LPG*, C.A. 1<sup>st</sup> (1992) 953 F.2d 21 at page 22, *Meadows v. Dominican Republic* CA 9<sup>th</sup> (1987) 817 F.2d at page 521, *In re: Center Wholesale, Inc.* C.A. 10<sup>th</sup> (1985) 759 F.2d 1440 at page 1448, *Misco Leasing v. Vaughn* CA 10<sup>th</sup> (1971) 450 F.2d 257, *Taft v. Donellen* C.A. 7<sup>th</sup> (1969) 407 F.2d 807, and *Bookout v. Beck* CA 9<sup>th</sup> (1965) 354 F.2d 823. See also, *Hawkeye Security Ins. V. Porter*, D.C. Ind. 1982, 95 F.R.D. 417, at page 419, *Saggers v. Yellow Freight* D.C. Ga. (1975) 68 F.R.D. 686 at page 690, *J.S. v. Melichar* D.C. Wis. (1972) 56 F.R.D. 49, *Ruddies v. Auburn Spark Plug*. 261 F. Supp. 648, *Garcia v. Garcia*, Utah 1986 712 P.2d 288 at page 290, and *Calasa v. Greenwell*, (1981) 633 P.2d 555 at page 585, 2 Hawaii395. “Judgment was vacated as void after 30 years in entry,” *Crosby. V. Bradstreet*, CA 2<sup>nd</sup> (1963) 312 F.2d 483 cert. denied 83 S.Ct. 1300, 373 US 911, 10 L. Ed. 2.d 412. “Delay of 22 years did not bar relief,” *U.S. v. Williams*, D.C. Ark. (1952) 109 F.Supp. 456.

>A judgment is **void**, and therefore subject to relief under Rule 60(b)(4), only if the court that rendered judgment lacked jurisdiction or in circumstances in which the court’s action amounts to a plain usurpation of power constituting a violation of due process. *United States v. Boch Oldsmobile, Inc.*, 909 F.2d 657, 661 (1st Cir. 1990)

>Where Rule 60(b)(4) is properly invoked on the basis that the underlying judgment is **void**, “relief is not a discretionary matter; it is mandatory.” *Orner v.*



Shalala, 30 F.3d 1307, 1310 (10th Cir. 1994) (quoting V.T.A., Inc. v. Airco, Inc., 597 F.2d 220, 224 n.8 (10th Cir. 1979)).

>In order for a judgment to be **void**, there must be some jurisdictional defect in the court's authority to enter the judgment, either because the court lacks personal jurisdiction or because it lacks jurisdiction over the subject matter of the suit.

Puphal v. Puphal, 105 Idaho 302, 306, 669 P.2d 191, 195 (1983); Dragotoiu, 133 Idaho at 647, 991 P.2d at 379.

>A court may not render a judgment which **transcends the limits of its authority**, and a judgment is **void** if it is beyond the powers granted to the court by the law of its organization, even where the court has jurisdiction over the parties and the subject matter. Thus, if a court is authorized by statute to entertain jurisdiction in a particular case only, and undertakes to exercise the jurisdiction conferred in a case to which the statute has no application, the judgment rendered is **void**. The lack of statutory authority to make particular order or a judgment is akin to lack of subject matter jurisdiction and is subject to collateral attack. 46 Am. Jur. 2d, Judgments § 25, pp. 388-89.

>"A court cannot confer jurisdiction where none existed and cannot make a **void** proceeding valid. It is clear and well established law that a **void** order can be challenged in any court", OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907).

>"**Jurisdiction**, once challenged, cannot be assumed and **must be decided**." Maine v Thiboutot 100 S. Ct. 250.

>"The law requires **proof of jurisdiction** to appear **on the record** of the **administrative** agency and all administrative proceedings." Hagans v Lavine 415 U. S. 533.



Though not specifically alleged, defendant's challenge to subject matter jurisdiction implicitly raised claim that default judgment against him was **void** and relief should be granted under Rule 60(b)(4). *Honneus v. Donovan*, 93 F.R.D. 433, 436-37 (1982), *aff'd*, 691 F.2d 1 (1st Cir. 1982).

>"A judgment is **void** if the court acted in a manner inconsistent with due process. A **void** judgment is a nullity and may be vacated at any time." 261 Kan. at 862.

>A judgment obtained without jurisdiction over the defendant is **void**. *Overby v. Overby*, 457 S.W.2d 851 (Tenn. 1970).

>Although Rule 60(b)(4) is ostensibly subject to the "reasonable" time limit of Rule 60(b), at least one court has held that **no time limit** applies to a motion under the Rule 60(b)(4) because a **void** judgment can never acquire validity through laches. See *Crosby v. Bradstreet Co.*, 312 F.2d 483 (2nd Cir.) *cert. denied*, 373 U.S. 911, 83 S.Ct. 1300, 10 L.Ed.2d 412 (1963) where the court vacated a judgment as **void** 30 years after entry. See also *Marquette Corp. v. Priester*, 234 F.Supp. 799 (E.D.S.C.1964) where the court expressly held that clause Rule 60(b)(4) carries no real time limit.

Unless the Commonwealth Attorney Glen Andrew Hall had proved obscenity, he should have accepted Brian's motion to dismiss and not wait for Brian's ineffective lawyer to enter any motion while Brian's pro se motions were being ignored while Brian's counsel did nothing to defend his client under the adversarial system. This attorney along with Brian's ineffective counsel wrongfully convicted an innocent man, dismissing his Writ of Habeas Corpus, and leaving Brian with no recourse to relief which again deprives Brian David Hill of his Fourteenth Amendment right to due process, according all states to follow the U.S.



Constitution and the U.S. Supreme Court involving all Federal Constitutional matters. This state Court should not violate the Federal Supremacy clause.

Brian clearly is entitled to vacatur of the final judgment entered on November 15, 2019, as the Court's inherit power can vacate a judgment when due process was not afforded to the criminal defendant Brian David Hill, and that Brian David Hill is a victim of a fraudulent conviction upon the court when Brian cannot be legally guilty of his charge of § 18.2-387. Indecent exposure, without obscenity.

Brian requests vacatur of the entire conviction and dismissal of the indictment on the ground of Brian's legal innocence and due process deprivations/violations.

There is no evidence of obscenity which is (1) insufficient evidence to establish guilt, (2) case law authorities in his favor that obscenity is required to convict, (3) legal innocence, and (4) the Commonwealth Attorney had planned on causing prejudice on the jury in regards to the defense if Defendant testifies which creates a hole in him being able to have a defense because the Commonwealth may force him to tell the jury what his wrongful federal conviction was for back in 2014.

Brian respectfully requests vacatur of conviction and dismissal of this case.

WHEREFORE, the undersigned defendant prays that he has shown good cause and prays as follows:

1. That the Court finds that good cause has been shown to vacate the criminal conviction entered on November 15, 2019, and dismiss the criminal indictment and dismiss the case for lack of evidence of obscenity or no evidence of obscenity;
2. That the Court find good cause that Brian David Hill has shown legal innocence to his charge of indecent exposure as was also outlined in his Writ of Habeas Corpus petition in the state;



3. That the Court needs to prove that they had jurisdiction to enter the judgment on November 15, 2019, and which includes that Brian David Hill would not have been deprived of due process at all otherwise the judgment is null and void;
4. That the Court enter an order for any other relief deemed as necessary and proper.

Hill respectfully files this Motion with this honorable Court, this the 24th day of November, 2019.

Respectfully submitted,

Brian D. Hill  
*signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

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Amazon: The Frame Up of Journalist Brian D. Hill

This pleading had been transmitted by facsimile to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 24, 2019, at



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

the address of 55 West Church Street, Martinsville, Virginia 24112 and at Fax:  
(276) 403-5232.

### CERTIFICATE OF SERVICE

I hereby certify that on this the 24th day of November, 2019, a true copy of the foregoing Motion/Pleading was transmitted by facsimile to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478.

*Brian D. Hill*

*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

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FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 11/25/2019 @09:13:02

TESTE: *Jennifer C. Copin*  
CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.

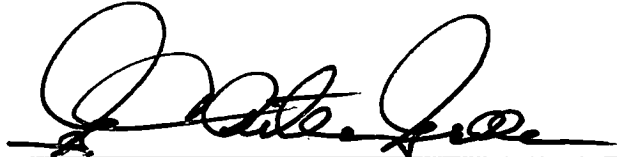
**ORDER**

Case No. CR19000009-00

BRIAN DAVID HILL

UPON CONSIDERATION of the defendant's Motion to Vacate Fraudulent Begotten Judgment, it is ORDERED that said motion is hereby DENIED.

ENTER: This 25<sup>th</sup> day of November, 2019.

  
Judge

Endorsement of Counsel is dispensed with – Rule 1:13



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>Brian David Hill,</b>	)	<b>Notice of Appeal</b>
	)	
<b>Defendant,</b>	)	

**NOTICE OF APPEAL**

NOW COMES the Petitioner, by and through Brian David Hill ("Brian D. Hill"), "Petitioner", or "Hill"), that is acting pro se in this action before this Honorable Court in the Circuit Court of Martinsville, Virginia, and hereby respectfully moves to file this notice of appeal.

Notice is hereby given that Defendant/Petitioner Brian David Hill in the above named case hereby appeal to the Court of Appeals in Richmond, Virginia from an order entered in this action on November 15, 2019. That order is involving the wrongful conviction and withdrawing of appeal due to ineffective assistance of counsel in violation of Brian's Sixth Amendment right to effective counsel under the U.S. Constitution.

This NOTICE OF APPEAL concerns the abuse of discretion, ignoring the evidence, and allowing the frauds upon the court against party: Brian David Hill by the corrupt Commonwealth Attorney Office for the City of Martinsville.

Respectfully filed with the Court, this the 26th day of November, 2019.

Respectfully submitted,



Brian D. Hill  
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

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Amazon: The Frame Up of Journalist Brian D. Hill

This pleading had been transmitted by facsimile to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 26, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112 and at Fax: (276) 403-5232.

### CERTIFICATE OF SERVICE

I hereby certify that on this the 26th day of November, 2019, a true copy of the foregoing Motion/Pleading was transmitted by facsimile to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478.

Brian D. Hill  
Signed

Signed

Brian D. Hill (Pro Se)



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

310 Forest Street, Apartment 1  
Martinsville, Virginia 24112  
Phone #: (276) 790-3505

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Give Me Liberty, or Give Me Death!  
– Patrick Henry  
Don't Tread On Me

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 11/27/2019 @09:51:46

TESTE: Jennifer C. Coplin  
CLERK/DEPUTY CLERK



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>Brian David Hill,</b>	)	<b>Notice of Appeal</b>
	)	
<b>Defendant,</b>	)	

**NOTICE OF APPEAL**

NOW COMES the Petitioner, by and through Brian David Hill ("Brian D. Hill"), "Petitioner", or "Hill"), that is acting pro se in this action before this Honorable Court in the Circuit Court of Martinsville, Virginia, and hereby respectfully moves to file this notice of appeal.

Notice is hereby given that Defendant/Petitioner Brian David Hill in the above named case hereby appeal to the Court of Appeals in Richmond, Virginia from an order entered in this action on November 25, 2019. That order is involving the denial of a motion of the Court's inherit power to vacate a fraudulent begotten judgment that also had due process violations, thus the wrongful conviction was a void judgment and withdrawing of appeal due to ineffective assistance of counsel in violation of Brian's Sixth Amendment right to effective counsel under the U.S. Constitution.

This NOTICE OF APPEAL concerns the abuse of discretion, ignoring the evidence, denial of due process, and allowing the frauds upon the court against



party: Brian David Hill by the corrupt Commonwealth Attorney Office for the City of Martinsville.

Respectfully filed with the Court, this the 26th day of November, 2019.

Respectfully submitted,

Brian D. Hill  
*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

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#### CERTIFICATE OF SERVICE

I hereby certify that on this the 26th day of November, 2019, a true copy of the foregoing Motion/Pleading was transmitted by facsimile to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478.



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Brian D. Hill  
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

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— Patrick Henry  
Don't Tread On Me

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OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 11/27/2019 @10:33:44

TESTE: Jennifer C. Coplin  
CLERK/DEPUTY CLERK



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

**Letter to Clerk of the Martinsville Circuit Court concerning  
possibly missing filing from the record for Appeal  
RE: Case #: CR19000009-00, Appeal CAV #0129-20-3**

Wednesday, February 26, 2020

Clerk of the Court – Honorable Ashby R. Pritchett  
Martinsville Circuit Court  
P. O. Box 1206  
55 W. Church Street  
Martinsville, VA 24114-1206  
Phone: (276) 403-5106  
Fax: (276) 403-5232

**URGENT**

RECEIPT CONFIRMATION  
REQUESTED

Dear Pritchett,  
CC: Clerk of the Court of Appeals of Virginia,

I was the one to have filed the Notice of Appeal over the Judge's denial of my Motion to Vacate Fraudulent Begotten Judgment on November 25, 2019, which had started appeal under case no. #0129-20-3.

My responsibility of filing this appeal also has me to ensure that everything that was filed in the case was docketed and filed on the record for case no. CR19000009-00 and C18-3138 of the General District Court records.

I have reviewed over the "TABLE OF CONTENTS" of the index that was digitally filed with the Court of Appeals of Virginia from the mailing you have sent me a copy of dated January 29, 2020. However when I looked over the index, there may have been a missing item in there that may need to be corrected and the Court of Appeals notified before the Petition for Appeal or Appeal Brief is to be filed.

Even at the Federal Correctional Institution 1 at Butner, North Carolina, I kept track of all pages I mailed out, kept mailing logs, made photocopies of all materials that I had mailed to your office to file in my case. I shall attach the evidence of a photocopy of my 3-page "Motion to Admit Evidence Prior to Trial" which was mailed under certified mail tracking number 7018-1130-0000-8936-6313 to your office. 50 pages of pleading material mailed to the "Hon Ashby Pritchett, Clerk of the Court, P.O. Box 1206, Martinsville Circuit CRT, Martinsville, VA 24114-2106 US". Record kept by me after dropping the legal mailing at the prison mail-room during my federal mental



evaluation.

It was delivered on March 20, 2019 at 2:45 pm, so that means it was signed for by one of your deputy Clerks.

According to Page 2 of the mailed pleading, it says 36 pages of true and correct copies of federal court record and then 10 pages material regarding evidence of carbon monoxide poisoning. 46 Pages, probably a certificate of service or some extra page, and the 3 page motion. That would equal 50 pages just as in the Mailing Log.

So 50 pages were filed according to my record. I do not see that record in the Table of Contents. Can you please specify where it is, what page number range it could be at?

I am working on my appeal over the denial of my motion regarding the Commonwealth Attorney's possible fraud upon the court. I need to know whether all of my pleadings that I have mailed to your office have been indexed for the appeal. So I know which page I should reference. It is more complicated than the digital Federal Court system where Documents can be checked by my family and the docket lists every document with the Document number and page numbers. State is more complex.

If your office did receive my pleading dated March 15, 2019, 5 days later after it was mailed out from FCI Butner, and it may not be indexed, please correct the record and notify the Clerk of the Court of Appeals of Virginia, to correct the record.

Copy of letter faxed to Commonwealth Attorney of Martinsville, Virginia. Fax: 276-403-5478.

Thank You,  
Brian D. Hill

Former news reporter of USWGO Alternative News  
310 Forest Street, Apt. 2 Martinsville, Virginia 24112  
(276) 790-3505



**U.S.W.G.O.**

*Brian D. Hill*  
*Ally Signed of Qanon*



In The Circuit Court of Martinsville  
For The Commonwealth of Virginia

Commonwealth of Virginia  
Plaintiff,

Case no. C18-3138

v.

Brian David Hill,  
Defendant,

Motion to Admit Evidence  
Prior to Trial

Motion To Admit Evidence Prior To Trial

Criminal Defendant Brian David Hill ("Brian," "Hill") files evidence with this honorable Court requesting that it be admitted in this case prior to the trial. Virginia Courts can admit evidence from Courts of the United States as long as the copies of such evidence is certified by the Clerk of the Court. Hill wishes to submit specific Federal Court records in this case as evidence in favor of Hill's innocence. Hill also mentions three (3) case laws from Courts of Appeals in favor of Hill's innocence to the charge of indecent exposure: (1) A.M. v. Commonwealth of Virginia in Alexandria; (2) Samuel Kenneth Moses v. Commonwealth of Virginia in Salem; and (3) Kimberly F. Neice v. Commonwealth of Virginia in Teleconference. The Federal Court records are the written testimony of Hill in support of the defense that Hill was threatened and coerced to get naked on the Dick and Willie hiking trail at night by a man wearing a dark hoodie. Hill never masturbated in public, Hill wasn't aroused.



Hill submits the following Federal Court records as evidence in this case prior to the bench trial, requesting that they be admitted as evidence in this case (records can be authenticated on PACER.GOV and by the Clerk of the U.S. District Court for the Middle District of North Carolina):

1. Document 152, 2 pages, Filed 10/03/2018
2. Document 153, 11 pages, Filed 10/17/2018
3. Document 154, 2 pages, Filed 10/24/2018
4. Document 161, 5 pages, Filed 11/29/2018
5. Document 162, 4 pages, Filed 11/30/2018
6. Document 163, 6 pages, Filed 12/12/2018
7. Document 164, 6 pages, Filed 12/13/2018

All documents from case no. 1:13-cr-00435-TDS  
Total of 36 pages.

Hill submits the following testimony and research by witnesses Roberta Hill, Stella Forinash, and Kenneth Forinash as evidence which can be authenticated by compelling them to testify under Oath at trial. They were made aware by a professional(s) that Hill was exposed to carbon monoxide poisoning up until the day that Hill had left the home and was arrested the next day. Carbon monoxide would help explain Hill's erratic behavior.

1. Compiled testimony and research, Total of 10 pages.



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Hill has demonstrated to this honorable Court that:

- (1) Hill has Autism Disorder, Obsessive Compulsive Disorder.
- (2) Hill had been a victim of criminal coercion which compelled Hill against his will to get naked in order to protect his mother from being murdered.
- (3) Hill had been a victim of prolonged exposure to carbon monoxide in his Apartment in 2018, which can cause problems with Hill's brain leading to any irrational and erratic behavior.
- (4) Hill is technically innocent under case law as it is a fact that Hill didn't do anything obscene, Hill never masturbated, and Hill was never aroused.

Hill submits this new evidence and case law to this honorable Court in favor of Hill's Actual Innocence to the September 21, 2018 charge of indecent exposure. Hill had also filed a formal series of letters and a written request with the Virginia Attorney General asking for a Writ of Actual Innocence in this case.

Respectfully filed with this honorable Court, this the 15<sup>th</sup> day of March 2019.

Brian D. Hill  
signed

JusticeForUSWGO.wordpress.com  
U.S.W.G.O.

Brian David Hill  
#29947-057

Federal Correctional Institution<sup>1</sup>  
P.O. Box 1000, Butner, NC 27509

3



# USWGO Mailing Log 2019 FCI<sup>1</sup> Butner, NC

Federal Correctional Institution<sup>1</sup>, Old N.C. Hwy 75-P.O. Box 1000  
Butner, NC 27509

- |     |                          |   |
|-----|--------------------------|---|
| #1  | 2pg                      | U.S. Marshals Service (USMS), United States Marshals, Western Dist. of Virginia, 210 Franklin Road SW, Roanoke, VA 24011 US 03/05/2019                                |
| #2  | 2pg                      | Clerk of the Court, 210 Franklin RD SW, U.S. District Court, Roanoke, VA 24011 US, Please file: 7:18-MJ-00149 03/05/2019  |
| #3  | Lots                     | Stella Forinash, 201 Greyson ST, Martinsville, VA 24112 US 03/05/2019   |
| #4  | 16pg                     | Office Of The Clerk, Middle Dist. N. Carolina, 324 W Market ST, U.S. District Court, Ste. 1, Greensboro, NC 27401-2513 US 03/08/2019                                  |
| #5  | Lots                     | Stella Forinash, 201 Greyson ST, Martinsville, VA 24112 US 03/11/2019   |
| #6  | 2pg                      | Jason McMurray, Western Dist. of Virginia, 210 Franklin RD SW, U.S. Probation Office, Roanoke, VA 24011 US 03/11/2019   |
| #7  | 4pg                      | National Security Council ("NSC"), The White House, Exe. Office of President, 1600 Pennsylvania AVE NW, National Security Council, Washington, DC 20005 US 03/12/2019 |
| #8  | 3pg                      | Virginia Attorney General, Office Of Va Attorney General, 202 N 9TH ST, Virginia Attorney General, Richmond, VA 23219 US 03/13/2019                                   |
| #9  | 3pg                      | Attorney Scott Albrecht, Scott Albrecht, Public Defender Office, 31 P.O. Drawer, Martinsville, VA 24114 US, P.O. Drawer 31 03/13/2019                                 |
| #10 | Lots                     | Stella Forinash, 201 Greyson ST, Martinsville, VA 24112 03/13/2019  |
| #11 | 50pg<br>+50pg<br>→ 100pg | Hon Ashby Pritchett, Clerk of the Court, P.O. Box 1206, Martinsville Circuit CRT, Martinsville, VA 24114-1206 US 03/15/2019 March 15                                  |
| #12 | 3pg                      | Donald John Trump, The White House, 1600 Pennsylvania AVE NW, Important, Washington, DC 20005 US 03/21/2019   |
| #13 | 1 lots                   | Stella Forinash, 201 Greyson ST, Martinsville, VA 24112 03/21/2019  |



1. 2-page letter to U.S. Marshals Service dated March 4, 2019.  
Certified Mail tracking no. 7018 1130 0000 8938 9954
- Photocopy of 2-page letter to U.S. Marshals Service (#1.) dated March 4, 2019. Requesting the Clerk file in case no. 7:18-MJ-00149.
- Mailing next/remaining portion of Medical Records and Legal papers to family/home for storage. Certified mail tracking no. 7018 1130 0000 8938 9961
- 4-page Brief/Memorandum of law on Rule 11 Plea in support of 2255 Motion (Doc. #125) and 2255 Brief (Doc. #128); 2-page Supplement 1  
7-page Supplement 2, 3-page Supplement 3, 3-page Supplement 4  
Certified Mail tracking no. 7018-1130-0000-8938-9978
- Mailing legal papers and envelopes to family/home for storage.  
Certified Mail tracking no. 7018 1130 0000 8938 9985
- 2-page Letter to U.S. Probation Officer Jason McMurray dated March 10, 2019. Certified Mail tracking no. 7018 1130 0000 8938 9992
- 4-page Letter to the National Security Council dated March 12, 2019.  
Certified Mail tracking no. 7018 1130 0000 8939 0004
- 3-page Letter to VA Attorney General dated March 13, 2019.  
Certified Mail tracking no. 7018 1130 0000 8939 2510
- Photocopy of 3-page letter to VA Attorney General dated March 13, 2019 (8).
0. Mailing 2019 Medical Records from January 9, 2019 to February 28, 2019, and some legal papers on back to family/home for storage.
1. 4-page "Motion To Admit Evidence Prior To Trial", 36-pages of Federal Court documents, 10-pages of Carbon Monoxide Poisoning documentation. Photocopy of all contents (50pg) for Commonwealth Attorney.  
Certified Mail tracking no. 7018 1130 0000 8936 6313 100pg total
2. 3-page Letter to Donald John Trump, dated March 19, 2019.  
Certified Mail tracking no. 7018 1130 0000 8938 9930 ← 13.
3. Mailing legal papers to family. 7018 1130 0000 8938 9947 ← 12.

U.S. District Court  
Southern District of Mississippi Circuit Court  
Clerk's Office.

Received and Filed this 26<sup>th</sup>  
Day of February 2020  
9:10 AM  
B. H. P. K.



3/6/2020

3:47:48 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/ 28

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

## Fax Cover Page

Date: 3/6/2020

Time: 3:47:48 AM

Pages: 28

**To: Martinsville Circuit Court**

**Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk**

From: Brian David Hill

Fax ID: 276-790-3505

**Please file in case nos. CR19000009-00 and CL19000331-00 as Circuit Court Clerk also named as CC correspondent.**

**Response Letter to Clerk of the Supreme Court of Virginia concerning**

**"Re: Brian David Hill v. Commonwealth of Virginia, Attorney General,**

**Record No. 200267" Appellee letter dated March 3, 2020**

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 03/06/2020 @08:58:33

TESTE: *Brian David Hill*  
CLERK/DEPUTY CLERK



**Response Letter to Clerk of the Supreme Court of Virginia concerning  
"Re: Brian David Hill v. Commonwealth of Virginia, Attorney General,  
Record No. 200267" Appellee letter dated March 3, 2020**

Started: Thursday, March 5, 2020

Finished: Friday, March 6, 2020

ATTN: The Honorable Douglas B. Robelen, Clerk of the Court  
Supreme Court of Virginia  
100 North 9th Street, 5th Floor, Richmond, Virginia 23219  
Phone: (804) 786-2251 V / TDD  
FAX : (804) 786-6249

Dear Hon. Robelen Hon. McCoy,

I am grateful for the clarification on the matter by the Assistant Attorney General of Virginia. I am also grateful that the Assistant Attorney General is keeping it professional as a lawyer and not lying about me in response unlike Glen Andrew Hall who does have a bad reputation with private lawyers I had free consultation with. I will keep with the legal chivalry here and provide a professional legal response as a non-lawyer. I will cite some of my personal and emotional opinions as well as it is my First Amendment right.

However Petitioner, Brian David Hill has a constitutional right to challenge the Commonwealth of Virginia when the Commonwealth has taken the liberty and financial interests of Petitioner. Petitioner will be happy to produce six copies of this letter if requested by the Clerk of this Court.

*Peeverell v. Eskew*, Record No. 0060-01-4, at \*1 (Va. Ct. App. Apr. 23, 2002) ("The fourteenth amendment, in declaring that no State 'shall deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws,' undoubtedly intended, not only that there should be no arbitrary deprivation of life or liberty or arbitrary spoliation of property, but that equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights; that all persons should be equally entitled to pursue their happiness and acquire and enjoy property; that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs, and the enforcement of contracts; and that no



impediment should be interposed to the pursuits of anyone except as applied to the same pursuits by others under like circumstances. . . .")

There are civil rights and liberty interests that the Commonwealth has taken away from Petitioner as a result of this wrongful state conviction of innocent man Brian David Hill who was a victim of carbon monoxide poisoning. Yes Petitioner does admit that he cannot obtain the levels of carbon monoxide to establish fact since he was immediately thrown in jail after the Martinsville Hospital medically neglected him and didn't check his blood sugar when they knew he was a diabetic found at night butt naked with cuts and abrasions but never completed the laboratory tests after drawing blood and never even checked his blood sugar on the medical record in the Habeas Corpus petition's evidence on the record, but there was evidence of carbon monoxide damage and witnesses to such damage and evidence to such white residue and other issues that are all normally caused by carbon monoxide gas and poisoning on record. Hasn't Brian suffered enough from the carbon monoxide already???? Brian doesn't need to be convicted of indecent exposure on top of that when the carbon monoxide is the cause of his weird behavior. That was why I had to debrief the Attorney General by sending letters in regards to the carbon monoxide and the evidence about the guy wearing the hoodie who threatened me to take my clothes off or my mother would die. Even if the carbon monoxide could have caused an hallucination and the guy in the hoodie could have not been real, I perceived the guy in the hoodie at the time to have been real and wasn't thinking straight. My behavior in the alleged photographs we of behavior that one would exhibit when being ordered by a jail officer to be strip searched, which that ordeal can amount to PTSD, and carbon monoxide can trigger all of these different abnormal behaviors, especially when somebody has Autism. Even though I did not have the levels because Sovah Hospital in-fact covered up for Martinsville Police Department by drawing my blood and was going to do drug tests and alcohol tests but then deleted all lab test orders from the chart and throw away my blood which would have been the only exculpatory evidence where the levels could have proven of carbon monoxide poisoning. The CORRUPT Commonwealth Attorney Glen Andrew Hall knew that evidence was covered up and instead pushed for a jury trial knowing there would be jury bias of "christian bible belt jurors". He Knew that Brian had cumulative evidence of carbon monoxide gas but ignored it all. I may have to sue Martionsville Police Department again and sue Glen Andrew Hall for defamation of character and unprofessional misconduct, as well as suing Sovah Hospital for being the sole cause of my wrongful conviction of indecent exposure since they tossed away blood evidence which could have been tested by the State Police and Crime Scene Investigation lab scientists and I could have been exonerated instead of wrongfully convicted and facing Federal Supervised Release Revocation for violation of Virginia law on September 21, 2018. However if I am acquitted and found



innocent of my state charge, then I will not face the direct consequences of Revocation. I don't wish to sue if I don't have to. I just want my life back from the Commonwealth. I want my life back, I am not after money, I just want my darn life back. I want my liberty back, my reputation back, I want my freedom back. I want to keep my SSI disability as I cannot live without it. Depriving me of SSI disability for any legal fees charged in my state case deprives me of life as I cannot make money and cannot work a job. So Virginia wishes to deprive me of life but not give me any legal means to challenge a wrongful conviction that is going to deprive me of my fixed income from the Federal Government, from my disability. Does that mean Virginia will garnish my Medicaid too? Will Glen Andrew Hall be asking Social Services next to deprive of Medicaid next to pay my legal fees?

The consequences I face for dismissing my Writ of Habeas Corpus and sustaining my wrongful state criminal conviction are as follows:

1. If the U.S. Court of Appeals in Richmond, VA overturns revocation on a technicality and may order me to face a new trial which will be a jury trial over the Violation of Supervised Release condition due to the indecent exposure charge. If this happens, my state conviction will be used as absolute evidence of guilt against me while not allowing me to use Virginia case law that I cannot be guilty of indecent exposure unless I was being obscene and had an intent of being obscene. Carbon Monoxide would be a good reason as to the indecent exposure as this is a unique criminal case. Acquitting me would have no effect on other indecent exposure charges as none of them had been in a house for months with carbon monoxide gas and damage to the walls and ceiling. So the Commonwealth would not have to worry about the public implications of acquitting me. It is in the best interest of justice that I am found actually innocent.
2. If I am acquitted of my state charge, then the violation will be dismissed without me having to face a federal jury which will have enough evidence to convict me if my state conviction remains intact. This makes me an automatic violator and will subject me up to 9 months of imprisonment as well as possible home detention and electronic monitoring directly caused as a result of my state charge.
3. If the revocation is not completely vacated and I face new trial, then I am placed under strict federal bond conditions directly caused by the state criminal charge which I filed Writ of Habeas Corpus to push the Court to undo such conviction over my Actual Innocence claim. The bond conditions



include curfew and other strict conditions which deprives me of right to liberty, life, and the pursuit of happiness.

When a state deprives an American citizen of liberty, then that person has the right to challenge being deprived of any liberty as a result of what the state has done.

So I am at loss of my liberty as a result of the state charge and conviction. The state has directly caused loss of my liberty as a result of ineffective assistance of counsel concerning the court appointed lawyers, all of them were ineffective because they are assigned too many cases and don't have the time to come up with a decent defense and are also afraid of Glen Andrew Hall who is one bad lawyer according to the private attorneys I had free consultation with. Many fear Glen Andrew Hall which is one of the main reasons why nobody wanted to fight for me, fear of the lying defamatory lawyer Glen Andrew Hall who lied about me, made fun of my Autism which is discrimination, and caused my wrongful state conviction. I cannot sit here and let Glen Andrew Hall take away my constitutional rights, lie about me, take away my liberty, and cause me to suffer cascading repercussions as a result of my wrongful conviction.

**The carbon monoxide has already caused my landlord to have paid thousands of dollars to fix the wall damage and ceiling falling apart as a result of the carbon monoxide poisoning.** The photos showing such damage in the home were submitted in the Writ of Habeas Corpus petition on the record prior to the Notice of Appeal. **I shouldn't suffer a criminal conviction on top of it** because of Glen Andrew Hall being such an egotistical jerk here, wanting to maintain his perfect criminal conviction rate. **A lawyer shouldn't always be about winning criminal cases all of the time. When a criminal conviction is wrongful, it is the duty of the lawyer under State Bar Rule 3.8 and American Bar Association Rule 3.8 to undo such conviction.** There is no restitution, no fines, and I have no victims in my state criminal case. **If the witnesses (police officer, 911 caller) to my nudity at night were to ever find out about the carbon monoxide, they never would have called 911 and I never would have been arrested, instead I would have been committed to the Hospital until the source of the sinus tachycardia was documented and I never would have faced an indecent exposure charge because it is wrong in this instance, in the circumstances that led up to it.** If the witness who called 911 ever found out that I had been exposed to carbon monoxide prior to my arrest and stating on Federal Court record and/or told my family in 2018 that I thought I was drugged and had memories blacked out. In 2019 I was already convicted in General District Court before I discovered that I was a victim of carbon monoxide gas.

**I am not a perpetrator of crime in regards to indecent exposure, but I AM A**



VICTIM, I repeat I was a victim of carbon monoxide and cannot stand to be wrongfully convicted when raising carbon monoxide isn't a fact since I don't have the levels according to Lauren McGarry who formerly worked for Martinsville Commonwealth Attorney Office as an intern or extern, but can be raised as a "reasonable doubt" which would have led to my acquittal but Matthew Clark didn't tell me about any reasonable doubt but told me that I would lose because of christian bible belt jurors would feel that I am some kind of pervert, of course he never mentioned the word pervert but I felt that is what he was implying.

None of those so called "christian bible belt jurors" would have ever experienced carbon monoxide while suffering under Autism Spectrum Disorder and OCD, how would any of them know my pain and suffering here?

It is this kind of garbage that almost turns me against Christians and makes me almost hate them, but I know in my heart that Jesus Christ would never be for convicting me, and even Judge King Solomon would never be for convicting me with the evidence I have in the state case, and Judge Samson of the bible would never have convicted me after seeing the carbon monoxide evidence. Jesus Christ said judge not lest ye be judged. If I am to be held criminally accountable be revoked of my probation over me being a victim of months of carbon monoxide poisoning then under the laws of God, karma is created in equal and opposite reaction. Maybe God will cause them to suffer under carbon monoxide and then they would know what it was like to suffer under carbon monoxide, or maybe even all of the sudden have Autism as a karma repercussionj and then have to suffer under Autism. These Courts are supposed to have empathy here. Where We Go One, We Go All, as Oanon says. If we wrongfully convict one person who was a victim of carbon monoxide poisoning, then we are all going to be imprisoned for being a victim of carbon monoxide poisoning. Then all Americans deserve and even Judges and Lawyers should deserve to go to prison for crimes that they are innocent of under the laws of karma, the laws of the Universe set by God.

How would any of them ever understand since they have likely never experienced any of the months and months of carbon monoxide gas poisoning that I personally felt and experienced. It also made my vision not as good. No eye damage luckily but they did prescribe me glasses as my vision has slightly deteriorated and my mother's vision has also deteriorated and she has to wear glasses when she didn't have to before the carbon monoxide had started. Me and my mother both experienced memory problems. Matthew Clark was a bad lawyer and never should have been appointed to my case. It should been a lawyer counties away that had no fear of facing this horrible Glen Andrew Hall, a bully, a bully who kept attacking Scott Albrecht and made fun of



him over being disabled which my family had witnessed in General District Court before my case. This Glen Andrew Hall is such a bully that he would bully the defense attorney into leaving Martinsville and moving to Roanoke, check the state bar record to see that Scott Albrecht worked at Martinsville as a Public Defender but then at some point moved to Roanoke without explanation. I know why, because of the way Glen Andrew Hall bullies the disabled in violation of the Americans with Disabilities Act but he can get away with this bullying because he is a "constitutionally elected officer" or whatnot. How typical of political corruption when it operates like this. If Glen Andrew Hall continues bullying me then eventually I will move out of Virginia and continue my federal probation in another state and my family will no longer buy from any stores in Virginia and will not participate in the Virginia economy, we will boycott Virginia and not vacation in Virginia either then more stores can go out of business for all I care like Earth Fare, antique stores, Save-A-Lot. So many stores are shutting down in Virginia, since Glen Andrew Hall is such a bully I will boycott Virginia and my whole family will boycott Virginia and my friends will boycott Virginia for the harsh treatment of me and my family, sue Virginia for defamation, and will no longer wish to be citizen of Virginia and no longer wish to participate in Virginia's economy.

Anyways, there are many liberty interests that I lose here.

I lose good standing with my Federal Probation, and will be considered as a higher risk offender even though the circumstances and intent do not support such. I face being labeled as a criminal when no law was broken according to attorney Scott Albrecht and Federal Appellate Attorney Edward Kennedy of Clarksburg, West Virginia. I did not violate Virginia law over the indecent exposure as I never masturbated and the photos were taken during nighttime when I was not in my right state of mind due to the carbon monoxide. **The Attorney General should understand that, as well as Governor Northam since he was a Doctor. Even Doctors would understand about carbon monoxide poisoning victims. Politics doesn't matter here.**

Now as to the financial interests that are at stake if I am wrongfully convicted of indecent exposure and the Writ of Habeas Corpus is dismissed:

1. I would owe thousands of dollars to the Commonwealth of Virginia if I am not acquitted of my state charge. Not in fines, not any in restitution as I have no victims, but in basic legal fees from both my defense attorney and the Prosecution. I had the temptation of referring to Glen Andrew Hall's lack of sympathy as possible extortion of the poor and disabled but my mother persuaded me not to put those words in my pro se motion that I just mailed out to the



Court of Appeals on March 5, 2020. I personally feel emotionally that I am being extorted here, because my only source of income is SSI Disability disbursement payments. I pay \$500 rent monthly and rest of it goes to living expenses and legal costs I am eating up here as a result of fighting. The mailings cost me as well. Even with my mother letting me use her printer to print the legal filings, she is getting sick and tired of me legally fighting all of the time over and over again without end, I have to explain to the Clerk that I assumed that the monthly SSI income was considered assets that I should report to Virginia, but I may be wrong about that because they are not garnishable under Federal Law. SSI disability income is my only source source of income and me being able to live and not be homeless. I cannot work a job and the state case and federal cases have put such a hefty burden on me, forcing me to suffer carpal tunnel for months having to fight almost all of the time now over this legal garbage by the Governments. Anyways, the amount I owe over lawyers who didn't even defend me at all and weren't professional, even making me pay in increments violates the Federal Prohibition on garnishment of SSI disability. It violates the Federal Supremacy Clause for a state to make me owe thousands of dollars at threat of me being arrested and jailed again. I face forced garnishment of my SSI which means that the state is now going to deprive me of a portion of my SSI disability over lawyers that didn't even defend me when they could have fought to have me found innocent. The State has indebted me over absolute criminal case legal GARBAGE. I am innocent and shouldn't be put through all of this for 2 years now. It is almost two years since I had been originally charged. They are willing to fight me and battle me over and over again over a simple misdemeanor with severe repercussions. I would hate to think of how far the Commonwealth would go over a felony charge if they are going so far over a simple misdemeanor.

2. If the state forces me to owe thousands of dollars with garnishment or imprisonment, I will be forced to declare federal bankruptcy since I have never owned any credit so declaring bankruptcy is what I will do if the bully Glen Andrew Hall has his way with me politically, not literally. I am also considering a social security based lawsuit against Virginia and it's Courts for making me pay money in violation of the Federal Supremacy clause protecting the states from garnishing my SSI to just simply pay some legal fees for ineffective counsel and



a corrupt prosecutor in Martinsville. I may have to sue under Federal Social Security Law and ask for an injunction against the state Courts and against the Circuit Court Clerk for making me pay thousands of dollars which is garnishing my protected SSI disability money. The Federal Courts don't make me pay any legal fees if I technically lose a criminal case, and don't increase my legal fees over me fighting for my Constitutional rights which is technically extorting somebody over fighting for their legal rights, so people are being punished over fighting for their Constitutional rights. Why is the state allowed to do this? Why did the General Assembly do this when the Federal Courts don't do this?

I have established that if I am deprived of Writ of Habeas Corpus or any ability to challenge a wrongful conviction, then I am deprived of my SSI disability money, I am deprived of liberty, and so the liberty interest justify the need for me to fight for my acquittal. I also am considering that I may file a Writ of Coram Vobis as my last resort if my Writ of Habeas Corpus is dismissed on a mere procedural technicality.

Even the United States Supreme Court had made various rulings in regards to the Constitutional matter of wrongful suspension of Habeas Corpus relief over procedural defaults and actual innocence. Since Petitioner is asserting his "Actual Innocence" to the charge of indecent exposure, his Writ of Habeas Corpus should not be procedurally barred in any way when the claim of "Actual Innocence" is asserted.

*Bousley v. United States*, 523 U.S. 614 (1998) ("(a) Only a voluntary and intelligent guilty plea is constitutionally valid. *Brady v. United States*, 397 U.S. 742, 748. A plea is not intelligent unless a defendant first receives real notice of the nature of the charge against him. *Smith v. O'Grady*, 312 U.S. 329, 334. Petitioner's plea would be, contrary to the Eighth Circuit's view, constitutionally invalid if he proved that the District Court misinformed him as to the elements of a § 924(c)(1) offense. *Brady v. United States*, *supra*, *McMann v. Richardson*, 397 U.S. 759, and *Parker v. North Carolina*, 397 U.S. 790, distinguished, Pp. 618-619.'). Even the withdrawal of appeal and acceptance of the General District Court decision isn't valid as it was caused by ineffective counsel and private lawyers personally fearing the elected prosecutor of Martinsville.

*Bousley v. United States*, 523 U.S. 614, 634-35 (1998) ("Under today's holding, a defendant who is the "wheel-man" in a bank robbery in which a person is shot and killed, and who pleads guilty in state court to the offense of voluntary manslaughter in



order to avoid trial on felony-murder charges, is entitled to federal habeas review of his contention that his guilty plea was "involuntary" because he was not advised that intent to kill was an element of the manslaughter offense, and that he was "actually innocent" of manslaughter because he had no intent to kill. In such a case, it is excusing the petitioner from his procedural default, not holding him to it, that would be the miscarriage of justice.") Matthew Clark on the record did not advise me that I have to have intent to be guilty of indecent exposure. Federal Appellate Attorney Ryan Edward Kennedy and also Mayor of Clarksburg, WV, had also argued that I did not violate Virginia law with no intent of obscenity and that I didn't violate my Supervised Release because I didn't violate Virginia Law. U.S. Attorney Anand Prakash Ramaswamy didn't even object to the fact that I wasn't being obscene, if I read his reply correctly in the Federal Circuit. You can read his appellate arguments.

The procedural default is that the Attorney General had asserted that I am not technically under state custody from their argument. However I am entitled to Habeas Corpus review when I am actually innocent and that wrongfully convicting me on a technicality procedural default is a miscarriage of justice as a matter of law. It permits the FEDS to punish me for the misdemeanor, so I am double punished over the same state charge, over a charge that I should have been found innocent of.

***Bousley v. United States*, 523 U.S. 614, 635 (1998) ("The Court evidently seeks to avoid this absurd consequence by prescribing that the defendant's "showing of actual innocence must also extend" to any charge the Government has "forgone," ante, at 624.")**

*McQuiggin v. Perkins*, 569 U.S. 383 (2013) ("Held: 1. Actual innocence, if proved, serves as a gateway through which a petitioner may pass whether the impediment is a procedural bar, as it was in *Schlup v. Delo*, 513 U.S. 298, 115 S. Ct. 851, 130 L. Ed. 2d 808, and *House v. Bell*, 547 U.S. 518, 126 S. Ct. 2064, 165 L. Ed. 2d 1, or expiration of the AEDPA statute of limitations, as in this case. Pp. 391-398, 185 L. Ed. 2d, at 1030-1034. (a) Perkins, who waited nearly six years from the date of the 2002 affidavit to file his petition, maintains that an actual-innocence plea can overcome AEDPA's one-year limitations period. This Court's decisions support his view. The Court has not resolved whether a prisoner may be entitled to habeas relief based on a freestanding actual-innocence claim, *Herrera v. Collins*, 506 U.S. 390, 404-405, 113 S. Ct. 853, 122 L. Ed. 2d 203, but it has recognized that a prisoner "otherwise subject to defenses of abusive or successive use of the writ may have his federal constitutional claim considered on the merits if he makes a proper showing of actual innocence," *id.*, at 404, 113 S. Ct. 853, 122 L. Ed. 2d 203.")



I am not trying to rude here, but I just have to state the law and the facts here. Once I had asserted "Actual Innocence" in my state Writ of Habeas Corpus petition and had demonstrated that the state is depriving me of liberty and financial income by garnishing my SSI disability under threat of me being thrown in jail, that barring me from challenging my criminal conviction on a technicality is itself a procedural bar and "Actual Innocence claims" are not to be procedurally barred according to the United States Supreme Court.

The highest Court that can even overrule the State Supreme Courts, the U.S. Supreme Court has original jurisdiction and interpretation over all matters concerning the United States Constitution and the Fourteenth Amendment of the Bill of Rights which enforces the Bill of Rights to all 50 states including Commonwealth states.

The Commonwealth of Virginia had lost the civil war in 1865 historically. Virginia does not have the power and authority to override the supremacy of the United States. The Federal Supremacy Clause applies to Virginia. Federal SSI disability income is protected from garnishment according to federal law. Also Virginia cannot overrule the precedent already set by the United States Supreme Court.

Actual Innocence can be brought up in a Habeas Corpus petition and can overcome any procedural default and even any statute of limitations. Jurisdictional bars don't even matter once actual innocence is asserted and established in a Writ petition.

Petitioner is entitled to relief and has every right to sue the Commonwealth of Virginia for wrongfully convicting him and depriving him of all of his basic Constitutional rights including but not limited to the right to effective assistance of counsel. Once actual innocence is established, all of his constitutional rights that were deprived which caused an innocent man to be wrongfully convicted can also be asserted in a Habeas Corpus petition since those violations of Petitioner's constitutional rights had caused the conviction of somebody who is innocent of his charge.

Respectfully the Petitioner asks that the Commonwealth of Virginia and Attorney General not be allowed to withdraw from the case to the extent where the Petition may be dismissed.

If the Attorney General simply doesn't want to respond, they don't have to and can tell the Court that they do not wish to respond to the Petition and can waive that right.

If the Commonwealth of Virginia simply doesn't want to respond, they don't have



to and can tell the Court that they do not wish to respond to the Petition and can waive that right.

Petitioner is actually innocent and will do whatever it takes to be acquitted. Petitioner's next move if dismissal happens is a Writ of Coram Vobis. This Supreme Court could even consider his original petition as a Writ of Coram Vobis under the liberal construction of pro se filings.

I will mail six copies of this letter if requested by the Clerk as an official reply to the Attorney General of Virginia's letter.

Thank You,  
Brian D. Hill

Former news reporter of USWGO Alternative News  
310 Forest Street, Apt. 2 Martinsville, Virginia 24112  
(276) 790-3505



CC: Rachel L. Yates  
Assistant Attorney General  
Office of the Attorney General of Virginia  
202 North Ninth Street  
Richmond, Virginia 23219  
(804)786-2071  
Fax # 804-786-1991 transmission  
Counsel for Appellee,

CC: Glen Andrew Hall, Esq.  
Appellee  
Martinsville Commonwealth Attorney Office  
Fax: 276-403-5478 transmission,

CC: Hon. Ashby R. Pritchett, Clerk  
Martinsville Circuit Court Clerk  
**Please file in case nos. CR19000009-00 and CL19000331-00**  
Phone/Fax  
Phone: (276) 403-5106  
Fax: (276) 403-5232, transmission.

*Brian D. Hill*  
*Signed*  
*Ally of Qanon*  
*Drain The Swamp*  
*Qanon-S.O.S.*



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 3/6/2020

Number of pages: 25

Attn.: Rachel L. Yates, Esq.

Recipient's number: T804-786-1991

Filename: C:\ProgramData\Venta\VentaFax &amp; Voice 6\Out\Letter to Supreme Court Error Correction: Yes; Attorney General(6) (2020-03-06).tif

File description: Letter to Supreme Court Clerk responding to Attorney General(6) Resolution: 200\*200 dpi

Recipient's Fax ID: VA OAG

Rate: 12000 bps

Time: 2:15:21 AM

Session duration: 35:14

To: Attorney General of Virginia

Message type: Fax

Record number: 8099

**Response Letter to Clerk of the Supreme Court of Virginia concerning  
"Re: Brian David Hill v. Commonwealth of Virginia, Attorney General,  
Record No. 200267" Appellee letter dated March 3, 2020**

Started: Thursday, March 5, 2020

Finished: Friday, March 6, 2020

ATTN: The Honorable Douglas B. Robelen, Clerk of the Court  
Supreme Court of Virginia  
100 North 9th Street, 5th Floor, Richmond, Virginia 23219  
Phone: (804) 786-2251 V / TDD  
FAX : (804) 786-6249

Dear Hon. Robelen Hon. McCoy,

I am grateful for the clarification on the matter by the Assistant Attorney General of Virginia. I am also grateful that the Assistant Attorney General is keeping it professional as a lawyer and not lying about me in response unlike Glen Andrew Hall who does have a bad reputation with private lawyers I had free consultation with. I will keep with the legal chivalry here and provide a professional legal response as a non-lawyer. I will cite some of my personal and emotional opinions as well as it is my First Amendment right.

However Petitioner, Brian David Hill has a constitutional right to challenge the Commonwealth of Virginia when the Commonwealth has taken the liberty and financial interests of Petitioner. Petitioner will be happy to produce six copies of this letter if requested by the Clerk of this Court.

*Peeverell v. Eskew*, Record No. 0060-01-4, at \*1 (Va. Ct. App. Apr. 23, 2002) ("The fourteenth amendment, in declaring that no State 'shall deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws,' undoubtedly intended, not only that there should be no arbitrary deprivation of life or liberty or arbitrary spoliation of property, but that equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights; that all persons should be equally entitled to pursue their happiness and acquire and enjoy property; that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs, and the enforcement of contracts; and that no



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 3/6/2020

Number of pages: 25

Attn.: Glen Andrew Hall, Esq.

Recipient's number: T1-276-403-5478

Filename: C:\ProgramData\Venta\VentaFax &amp; Voice 6\Out\Letter to Supreme Court Error Correction: Yes\Attorney General(6) {2020-03-06}.tif

File description: Letter to Supreme Court Clerk responding to Attorney General(6) Resolution: 200\*200 dpi

Recipient's Fax ID: 12764035478

Rate: 14400 bps

Time: 2:50:16 AM

Session duration: 26:53

To: Commonwealth Attorney

Message type: Fax

Error Correction: Yes\Attorney General(6) {2020-03-06}.tif

Resolution: 200\*200 dpi

Record number: 8100

**Response Letter to Clerk of the Supreme Court of Virginia concerning  
"Re: Brian David Hill v. Commonwealth of Virginia, Attorney General,  
Record No. 200267" Appellee letter dated March 3, 2020**

Started: Thursday, March 5, 2020

Finished: Friday, March 6, 2020

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Supreme Court of Virginia  
100 North 9th Street, 5th Floor, Richmond, Virginia 23219  
Phone: (804) 786-2251 V / TDD  
FAX : (804) 786-6249

Dear Hon. Robelen Hon. McCoy,

I am grateful for the clarification on the matter by the Assistant Attorney General of Virginia. I am also grateful that the Assistant Attorney General is keeping it professional as a lawyer and not lying about me in response unlike Glen Andrew Hall who does have a bad reputation with private lawyers I had free consultation with. I will keep with the legal chivalry here and provide a professional legal response as a non-lawyer. I will cite some of my personal and emotional opinions as well as it is my First Amendment right.

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# Exhibit 1

USWGO

QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS

MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138

MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA )  
 )  
 v. ) 1:13CR435-1  
 )  
 BRIAN DAVID HILL )



JUDGMENT AND COMMITMENT  
Supervised Release Violation Hearing

On September 12, 2019, a hearing was held on a charge that the Defendant had violated the terms and conditions of supervised release as set forth in the Court's Order filed July 24, 2015 and the Judgment filed November 12, 2014 in the above-entitled case, copies of which are attached hereto and incorporated by reference into this Judgment and Commitment.

The Defendant was represented by Renorda E. Pryor, Attorney.

The Defendant was found to have violated the terms and conditions of his supervised release. The violation(s) as follow were willful and without lawful excuse.

Violation 1. On September 21, 2018, the Defendant was arrested for the commission of a crime.

IT IS ORDERED that the Defendant's supervised release be revoked. The Court has considered the U.S. Sentencing Guidelines and the policy statements, which are advisory, and the Court has considered the applicable factors of 18 U.S.C. §§ 3553(a) and 3583(e).

IT IS ORDERED that the Defendant be committed to the custody



# Exhibit 2

USWGO

QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS

MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138

MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

## COMMONWEALTH OF VIRGINIA

VA. CODE §§ 19.2-354; 19.2-358

Case No(s). CR19000009-00

In the Circuit Court for the ☒ City ☐ County of MARTINSVILLE☐ COMMONWEALTH OF VIRGINIA☒ CITY ☐ COUNTY OF MARTINSVILLE

v. BRIAN DAVID HILL

DEFENDANT

-0319

SSN

UNKNOWN

DRIVER'S LICENSE NUMBER

DRIVER'S LICENSE STATE

310 FOREST ST, APT 1, MARTINSVILLE, VA 24112

RESIDENCE ADDRESS

MAILING ADDRESS IF DIFFERENT FROM ABOVE

TELEPHONE NUMBER

## I. ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE

I acknowledge that I have been notified that my driver's license/driving privilege:

☐ is suspended or revoked for a period of ..... effective ..... as a result of☐ my conviction by this Court.☐ action taken by the Virginia Department of Motor Vehicles pursuant to Va. Code § 46.2-390.1 for the Court's conviction or finding of facts sufficient to convict me of violating the drug laws (Va. Code §§ 18.2-247 through 18.2-264) of this Commonwealth.☐ Declaration by the Virginia Department of Motor Vehicles ☐ Adjudication by ..... Court that I am a habitual offender.

I acknowledge that I owe fines, costs, forfeiture, restitution and/or penalty of \$ 1,222.45 ..... plus any additional court-appointed attorney fee, if applicable.

I further certify that on this date this notice was read, understood by me, and I received a copy of the same, and that my driver's license

☐ WAS ☐ WAS NOT surrendered to this Court. Reason not surrendered: .....

November 15, 2019

DATE

(x) Brian D. Hill

DEFENDANT

State/Commonwealth of ☐ Virginia ☐ .....

County/City of Martinsville

Acknowledged before me this day by Brian David Hill

November 15, 2019

DATE

PRINT NAME OF SIGNATORY

Jenifer C. Gadin

☐ JUDGE ☐ CLERK ☐ NOTARY PUBLIC

Notary Registered for .....

My commission expires: .....

READ PART I ON THE BACK OF THIS FORM FOR MORE STIPULATIONS, WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ACKNOWLEDGMENT.

## II. ORDER AND NOTICE OF DEFERRED PAYMENT OR INSTALLMENT PAYMENTS

SEE PART II ON THE BACK OF THIS FORM FOR FURTHER STIPULATIONS, WARNINGS AND INFORMATION CONCERNING THIS NOTICE AND ORDER, WHICH ARE HEREBY INCORPORATED BY REFERENCE.

Upon due consideration, the Defendant's Petition for deferred or installment payments is accordingly ACCEPTED, and the Defendant is ORDERED to pay costs, fines, forfeiture, and penalty totaling \$ 1,222.45 ..... plus restitution

totaling \$ ..... plus any additional court-appointed attorney fee, court reporter fee, and interest, if applicable, by:

☒ making ..... 4 ..... installment payments of \$ 300.00 per 6 MONTH beginning 05/15/2020 ..... until paid in full; or☐ making a deferred payment in full on or before 12/02/2019☐ Restitution payments are to be paid in accordance with the court's ORDER FOR RESTITUTION previously entered.

If Deferred payment is not received by the above due date, or if the final installment payment is not received by ..... the defendant is hereby given NOTICE to return to this Court on ..... at .....

The total listed above does not include transcript costs and any costs/damages that may be charged if you appeal from this court.

NOTICE: READ PART II ON THE BACK OF THIS FORM FOR MORE STIPULATIONS WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ORDER AND NOTICE.

Entered this 15TH day of NOVEMBER, 2019

I have asked for and received a copy of this Order and Notice.

(x) Brian D. Hill

DEFENDANT

Ashby R. Pritchett

JUDGE

CLERK

FORM CC-1379 FRONT 07/19



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

#### PART I

I understand that if I provide for payment of a fine or other monies due by a method other than cash and my payment fails, the Clerk will send me a written notice of my failure of payment. A penalty of \$50.00 or 10 percent of the amount of the payment, whichever is greater, may be charged if the method of payment fails.

I further understand that, if I am convicted of driving while my driver's license is suspended or revoked, I may be fined, sentenced to jail, or both.

I understand that upon suspension or revocation of my license, I may not operate a motor vehicle in the Commonwealth of Virginia until:

- (1) All periods of suspension imposed by any Court or the Department of Motor Vehicles have expired, AND
- (2) The Department of Motor Vehicles reinstates my license (if suspended) or issues a new license (if revoked) after:
  - (a) I have paid the reinstatement fee (if any) to the Department of Motor Vehicles, AND
  - (b) I have met all other administrative requirements of the Department of Motor Vehicles.

#### PART II

I understand that if the Court has ordered deferred or installment payments, or community service to pay all or part of the fines and costs, I must make all required payments or perform all community service on time.

I understand that:

- (1) as a condition of this agreement, I must promptly inform the Court of any change of my mailing address during the term of the agreement;
- (2) if the fines, costs, forfeiture, restitution, and/or penalty are not paid in full by the date ordered, that the Court shall proceed according to the provisions of Va. Code § 19.2-358, which state that a show cause summons or capias for my arrest may be issued;
- (3) the amount(s) listed in this agreement may be administratively amended by the Clerk of this Court in the event additional costs should be assessed and if additional costs are assessed, that the Clerk will forthwith issue a notice to me of the total amount due by first class mail to my address of record;
- (4) the Court or Clerk thereof may adjust the final payment date administratively, without further notice, for installment payment agreements, if I fail to make a scheduled payment or for deferred payments, if I fail to pay in full by the date ordered, for the purposes of referring the account for action pursuant to Va. Code § 19.2-358.

I further understand that if the Court does not receive payments as ordered, my case will be referred for collection enforcement action under §§ 19.2-349, 19.2-353.5, 19.2-358, or 58.1-520 through 58.1-534 of the Code of Virginia. If my case is referred for collection enforcement action under § 19.2-349, the amount that I owe and that can be collected will be increased to reflect the additional costs associated with collection action. If any part of the amount due remains unpaid, pursuant to § 19.2-358, I may be subject to a jail sentence of up to 60 days or an additional fine of up to \$500.00.

Pursuant to Va. Code § 19.2-353.5, if interest on outstanding fines and costs owed to this court accrued during a period when I was incarcerated, I may request that the interest that accrued when I was incarcerated be waived by this Court.

This Order and Notice is provided to the Defendant pursuant to Va. Code § 19.2-354. This Order shall not be spread on the Order Book of this Court.



of the Bureau of Prisons for imprisonment for a period of nine (9) months.

IT IS FURTHER ORDERED that supervised release of nine (9) years is re-imposed under the same terms and conditions as previously imposed.

The Defendant shall surrender to the United States Marshal for the Middle District of North Carolina or to the institution designated by the Bureau of Prisons by 12:00 p.m. on December 6, 2019.

United States District Judge

October 4, 2019.



# Exhibit 15

USWGO

QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS

MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138

MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"



# Exhibit 1

USWGO

QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

**U.S.W.G.O.**

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

## To Whom This May Concern:

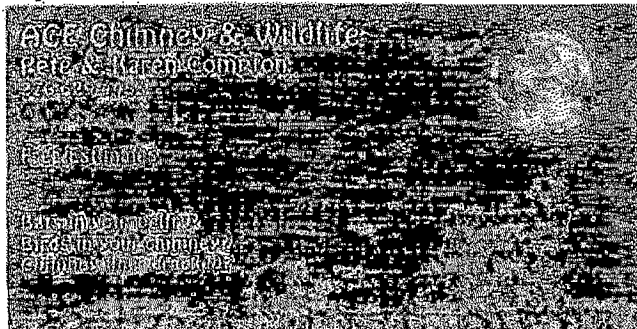
On January 30, 2019 I went to the house at 310 Forest St., Martinsville, Va 24112 to measure and give a price for a Chimney cover. Roberta Hill and her parents: Ken & Stella Forinash escorted me to Apt 1 to show me the fireplace which had a small amount of white residue inside, no damage to the ceiling and wall around the fireplace. They then escorted me downstairs to Apt 2 where parts of the ceiling above the fireplace had fallen and there was a lot of damage in the remaining ceiling below the hearth of the fireplace in apt 1 located above apt 2 and a lot of damage along the wall in apt 2 above and on both sides of the fireplace as well as a lot of white residue inside of the fireplace. After this, we went down another flight of stairs to the basement where the gas boiler heater and the gas hot water heater were located to show me that there would be 3 holes in the chimney.

I then went outside and got my ladder to measure the chimney. This was when I found out that all 3 holes were covered with tin. Knowing that the gas boiler heater & gas hot water heater needed to be vented at all times, I immediately removed the tin covering the hole so carbon monoxide would no longer go through the house. Ms Hill had informed me that she had called a chimney sweep in Rocky Mount, VA in October, 2017 to clean the chimney and to put screen on all holes after the family spotted birds going into their fireplace the year before. In my 25 years of doing this type of work, this was the first time I have ever seen tin covering holes where it is important to vent gas heaters. I showed the family the tin I had just removed and had them to climb my ladder to look at the chimney. We then went back in the house, and I informed them that the white residue inside both fireplaces was from the gas that had no other place to escape and informed them that they had been exposed to carbon monoxide poisoning, but now that the tin had been removed, there should no longer be any problems. I returned to the house on February 4, 2019 and installed a stainless steel multifaceted chimney cap vented with screen on all 4 sides. GA  
E/

Signed as a witness on this date: Kenneth R. Forinash 6-13-19Pete Compton 6-13-19

Pete Compton ACE Chimney &amp; Wildlife; Bassett, VA

Phone 276-629-4453





# Exhibit 1

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

**U.S.W.G.O.**

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

VIRGINIA  
In City of Martinsville Circuit Court  
Clerk's Office.

Received and Filed this the

22 Day of July, 2019  
at 9:30 AM

Testa: Ashby R. Pritchett Clerk



To Whom This May Concern:

On January 30, 2019 I went to the house at 310 Forest St., Martinsville, Va 24112 to measure and give a price for a Chimney cover. Roberta Hill and her parents: Ken & Stella Forinash escorted me to Apt 1 to show me the fireplace which had a small amount of white residue inside, no damage to the ceiling and wall around the fireplace. They then escorted me downstairs to Apt 2 where parts of the ceiling above the fireplace had fallen and there was a lot of damage in the remaining ceiling below the hearth of the fireplace in apt 1 located above apt 2 and a lot of damage along the wall in apt 2 above and on both sides of the fireplace as well as a lot of white residue inside of the fireplace. After this, we went down another flight of stairs to the basement where the gas boiler heater and the gas hot water heater were located to show me that there would be 3 holes in the chimney.

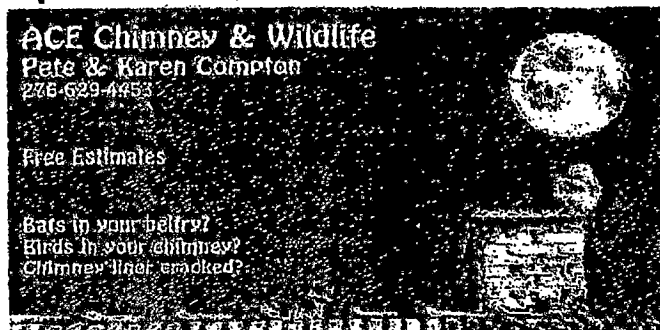
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Pete Compton 6-13-19

Pete Compton ACE Chimney & Wildlife; Bassett, VA

Phone 276-629-4453





# Exhibit 10

USWGO

QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

**U.S.W.G.O.**

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA



②

Ramey, Nicole  
Bouldin, Lauren, RN  
Reynolds, Daniel R

nmr  
RN lbl  
RN dr

Corrections: (The following items were deleted from the chart)

09/21  
04:48 09/21 04:16 COMPREHENSIVE METABOLIC PANEL+LAB ordered. EDMS EDMS  
09/21  
04:48 09/21 04:16 COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered. EDMS EDMS  
09/21  
04:49 09/21 04:16 CPK, TOTAL+LAB ordered. EDMS EDMS  
09/21  
04:50 09/21 04:16 ALCOHOL, ETHYL+LAB ordered. EDMS EDMS  
09/21  
04:50 09/21 04:16 STAT OVERDOSE PANEL+LAB ordered. EDMS EDMS  
09/21  
04:52 09/21 04:52 09/21/2019 04:52 Discharged to Jail/Police. Impression: bdh  
Abrasion, right knee; Abrasion of unspecified front wall of thorax.  
Condition is Stable. Discharge Instructions: Medication  
Reconciliation. Follow up: Private Physician; When: Tomorrow; Reason:  
Further diagnostic work-up, Recheck today's complaints, Continuance  
of care. Follow up: Emergency Department; When: As needed; Reason:  
Fever > 102 F, Trouble breathing, Worsening of condition. Problem is  
new. Symptoms have improved. bdh  
09/21  
04:54 09/21 04:16 URINALYSIS W/REFLEX TO CULTURE+LAB ordered. EDMS EDMS

\*\*\*\*\*



Ramey, Nicole  
Bouldin, Lauren, RN  
Reynolds, Daniel R

RN RN  
lb1 dr

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3/7/2020

12:28:08 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/8

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

# Fax Cover Page

Date: 3/7/2020

Time: 12:28:08 AM

Pages: 8

To: Martinsville Circuit Court

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk

From: Brian David Hill

Fax ID: 276-790-3505

Please file under case no. CR19000009-00

Inquiry Letter re: PSYCHOLOGICAL EVALUATION; orig. case  
no. GC18-3138; Circuit Court Case Nos. CR19000009-00 and  
CL19000331-00

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 03/07/2020 @09:16:00

TESTE: \_\_\_\_\_  
CLERK/DEPUTY CLERK

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 03/09/2020 @09:16:14

TESTE: *EP Stanits*  
CLERK/DEPUTY CLERK



**Inquiry Letter re: PSYCHOLOGICAL EVALUATION; orig. case no. GC18-3138; Circuit Court Case Nos. CR19000009-00 and CL19000331-00**

Friday, March 6, 2020

ATTN: Rebecca K. Loehrer, PhD  
Licensed Clinical Psychologist  
22 Montgomery Street  
Clarksburg, VA 24141  
Phone: 540-230-8554  
Fax: 540-639-3683

CC: Glen Andrew Hall, Esq., Martinsville Commonwealth Attorney Office by Fax: 276-403-5478 transmission,

CC: Hon. Ashby Pritchett, Martinsville Circuit Court Clerk, case nos. CR19000009-00 and CL19000331-00, Fax: (276) 403-5232, transmission. After filing in both cases, please forward to Judge Greer for review.

Dear Rebecca K. Loehrer, PhD,

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The inquiry regards case no. GC18-3138, the psychological evaluation that was conducted on November 19, 2018, and report dated November 26, 2018.

In any possible materials given to you by either myself or by Scott Albrecht or any any other sources of materials used in the evaluation, were the following materials used or cited in your evaluation?

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My ex-lawyer Lauren McGarry had told me and my family in consultation in 2019 at the Public Defender Office that the psychosis diagnosis was reviewed by you, that was taken into consideration, and was used in the evaluation report. I read the report and see no mention of the dissemination of any medical record from Dr. Conrad Daum and nothing from Piedmont Community Services in your report.

**Page 1 of 2 - Friday, March 6, 2020 - Inquiry Letter psy. Eval.**



Was the medical record report ever reviewed by you when you had conducted the evaluation or was the report not ever reviewed by you when the evaluation was conducted?

Please send a response in writing to both me, the Commonwealth Attorney, and the Circuit Court Clerk under case nos. CR19000009-00 and CL19000331-00 to document your response as to this inquiry. It can even be by fax, if the Court permits as per the rules. As it is quicker than mail.

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Were you ever made aware during the evaluation that Brian's and his mother's home had carbon monoxide gas exposure for months and months according to chimney expert Pete Compton of ACE Chimney in Bassett, VA, as well as The Chimney Sweeper?

Thank You,  
Brian D. Hill

310 Forest Street, Apt. 2 Martinsville, Virginia 24112  
(276) 790-3505

*Brian D. Hill*  
*Signed*

**U.S.W.G.O.**

Ally of Qanon – Where We Go One, We Go All (WWG1WGA)



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

②

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Reynolds, Daniel R

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RN lbl  
RN dr

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Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 3/7/2020	Time: 12:15:49 AM
Number of pages: 4	Session duration: 4:44
Attn.: Rachel L. Yates, Esq.	To: Attorney General of Virginia
Recipient's number: T804-786-1991	Message type: Fax
Filename: C:\ProgramData\Venta\Fax & Voice 6\Out\Inquiry Letter to Virginia	Error Correction: Yes;evaluator(5) (2020-03-07).tif
File description: Inquiry Letter to Virginia District Court mental evaluator(5).p	Resolution: 200*200 dpi
Recipient's Fax ID: VA OAG	Record number: 8104
Rate: 14400 bps	

**Inquiry Letter re: PSYCHOLOGICAL EVALUATION; orig. case no. GC18-3138; Circuit Court Case Nos. CR19000009-00 and CL19000331-00**

Friday, March 6, 2020

ATTN: Rebecca K. Loehrer, PhD  
Licensed Clinical Psychologist  
22 Montgomery Street  
Clarksburg, VA 24141  
Phone: 540-230-8554  
Fax: 540-639-3683

CC: Glen Andrew Hall, Esq., Martinsville Commonwealth Attorney Office by Fax:  
276-403-5478 transmission,

CC: Hon. Ashby Pritchett, Martinsville Circuit Court Clerk, case nos. CR19000009-00 and CL19000331-00, Fax: (276) 403-5232, transmission. After filing in both cases, please forward to Judge Greer for review.

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Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 3/7/2020

Number of pages: 4

Attn.: Glen Andrew Hall, Esq.

Recipient's number: T1-276-403-5478

Filename: C:\ProgramData\VentaFax &amp; Voice 6\Out\Inquiry Letter to Virginia

File description: Inquiry Letter to Virginia District Court mental evaluator(5).p

Recipient's Fax ID: 12764035478

Rate: 14400 bps

Time: 12:20:32 AM

Session duration: 4:27

To: Commonwealth Attorney

Message type: Fax

Error Correction: Noevaluator(5) {2020-03-07}.tif

Resolution: 200\*200 dpi

Record number: 8105

**Inquiry Letter re: PSYCHOLOGICAL EVALUATION; orig. case no. GC18-3138; Circuit Court Case Nos. CR19000009-00 and CL19000331-00**

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Venta Fax & Voice (<http://www.ventafax.com>)

Transmission ticket for Fax ID: 276-790-3505

Date: 3/7/2020

Number of pages: 4

Attn.: Rebecca K. Loehrer, PhD

Recipient's number: T1-540-639-3683

Filename: C:\ProgramData\Venta\VentaFax &amp; Voice 6\Out\Inquiry Letter to Virginia Error Correction: Yes\evaluator(5) {2020-03-07}.tif

File description: Inquiry Letter to Virginia District Court mental evaluator(5).p

Recipient's Fax ID: 5406393683

Rate: 14400 bps

Time: 12:11:46 AM

Session duration: 4:03

To: Rebecca K. Loehrer, PhD

Message type: Fax

Resolution: 200\*200 dpi

Record number: 8103

**Inquiry Letter re: PSYCHOLOGICAL EVALUATION; orig. case no. GC18-3138; Circuit Court Case Nos. CR19000009-00 and CL19000331-00**

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3/7/2020

12:35:11 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/ 8

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

# **Fax Cover Page**

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**Date:** 3/7/2020

**Time:** 12:35:11 AM

**Pages:** 8

**To: Martinsville Circuit Court**

**Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk**

**From:** Brian David Hill

**Fax ID:** 276-790-3505

**Please file under case no. CL19000331-00**

**Inquiry Letter re: PSYCHOLOGICAL EVALUATION; orig. case no. GC18-3138; Circuit Court Case Nos. CR19000009-00 and CL19000331-00**



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**Page 1 of 2 - Friday, March 6, 2020 - Inquiry Letter psy. Eval.**



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*Brian D. Hill*  
*Signed*



Ally of Qanon – Where We Go One, We Go All (WWG1WGA)



2

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Date: 3/7/2020

Number of pages: 4

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Recipient's number: T804-786-1991

Filename: C:\ProgramData\Venta\Fax & Voice 6\Out\Inquiry Letter to Virginia Error Correction: Yes\evaluator(5) (2020-03-07).tif

File description: Inquiry Letter to Virginia District Court mental evaluator(5).p Resolution: 200\*200 dpi

Recipient's Fax ID: VA OAG

Rate: 14400 bps

Time: 12:15:49 AM

Session duration: 4:44

To: Attorney General of Virginia

Message type: Fax

Error Correction: Yes\evaluator(5) (2020-03-07).tif

Resolution: 200\*200 dpi

Record number: 8104

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Transmission ticket for Fax ID: 276-790-3505

Date: 3/7/2020

Number of pages: 4

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Recipient's number: T1-276-403-5478

Filename: C:\ProgramData\Venta\VentaFax &amp; Voice 6\Out\Inquiry Letter to Virginia

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Recipient's Fax ID: 12764035478

Rate: 14400 bps

Time: 12:20:32 AM

Session duration: 4:27

To: Commonwealth Attorney

Message type: Fax

Error Correction: Noevaluator(5) (2020-03-07).tif

Resolution: 200\*200 dpi

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CC: Hon. Ashby Pritchett, Martinsville Circuit Court Clerk, case nos. CR19000009-00 and CL19000331-00, Fax: (276) 403-5232, transmission. After filing in both cases, please forward to Judge Greer for review.

Dear Rebecca K. Loehrer, PhD,

I need to conduct an inquiry and send you this inquiry letter as well as a copy to the prosecuting attorney as well as the Clerk of the Court so that it isn't an ex-parte communication, and is on the record with both parties and the Judge as to the case.

The inquiry regards case no. GC18-3138, the psychological evaluation that was conducted on November 19, 2018, and report dated November 26, 2018.

In any possible materials given to you by either myself or by Scott Albrecht or any any other sources of materials used in the evaluation, were the following materials used or cited in your evaluation?

1. Medical record from Dr. Conrad Daum of Piedmont Community Services, Forensic Psychiatrist, diagnosed Patient with "psychosis" on 10/24/2018.

My ex-lawyer Lauren McGarry had told me and my family in consultation in 2019 at the Public Defender Office that the psychosis diagnosis was reviewed by you, that was taken into consideration, and was used in the evaluation report. I read the report and see no mention of the dissemination of any medical record from Dr. Conrad Daum and nothing from Piedmont Community Services in your report.



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 3/7/2020

Number of pages: 4

Attn.: Rebecca K. Loehrer, PhD

Recipient's number: T1-540-639-3683

Filename: C:\ProgramData\Venta\Fax &amp; Voice 6\Out\Inquiry Letter to Virginia

File description: Inquiry Letter to Virginia District Court mental evaluator(5).p

Recipient's Fax ID: 5406393683

Rate: 14400 bps

Time: 12:11:46 AM

Session duration: 4:03

To: Rebecca K. Loehrer, PhD

Message type: Fax

Error Correction: Yes;evaluator(5) (2020-03-07).tif

Resolution: 200\*200 dpi

Record number: 8103

**Inquiry Letter re: PSYCHOLOGICAL EVALUATION; orig. case no. GC18-3138; Circuit Court Case Nos. CR19000009-00 and CL19000331-00**

Friday, March 6, 2020

ATTN: Rebecca K. Loehrer, PhD  
Licensed Clinical Psychologist  
22 Montgomery Street  
Clarksburg, VA 24141  
Phone: 540-230-8554  
Fax: 540-639-3683

CC: Glen Andrew Hall, Esq., Martinsville Commonwealth Attorney Office by Fax:  
276-403-5478 transmission,

CC: Hon. Ashby Pritchett, Martinsville Circuit Court Clerk, case nos. CR19000009-00 and CL19000331-00, Fax: (276) 403-5232, transmission. After filing in both cases, please forward to Judge Greer for review.

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Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 3/15/2020 Time: 11:50:17 PM  
Number of pages: 10 Session duration: 3:57  
Attn.: Glen Andrew Hall, Esq. To: Commonwealth Attorney  
Recipient's number: T1-276-403-5478 Message type: Fax  
Filename: C:\ProgramData\VentaFax & Voice 6\Out\Motion to Proceed Pro Se on Appeals(3)\_Signed.pdf Error Correction: No joined (2020-03-15).tif  
File description: Motion to Proceed Pro Se on Appeals(3)\_Signed.pdf Resolution: 200\*200 dpi  
Recipient's Fax ID: 12764035478 Record number: 8110  
Rate: 14400 bps

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

**v.**

**BRIAN DAVID HILL,**  
**Defendant,**

**Criminal Action No. CR19000009-00**

**Motion to Proceed Pro Se on Appeals**

**Motion to Proceed Pro Se on Appeals**

Pursuit to the Sixth Amendment of the United States Constitution, if this Court cannot appoint/afford effective counsel to Brian David Hill ("Petitioner") the criminal defendant in this case, then Petitioner prefers to represent himself in both criminal appeals, and files this motion with the Circuit Court asking that Petitioner represent himself in both appeals.

Petitioner rather not be ruined by Matthew Scott Thomas Clark who is doing the Deep State Swamp a benefit by misrepresenting Petitioner and not getting in contact with Petitioner at all during both appeal case nos. CAV #0128-20-3, and CAV #0129-20-3.

Attorney Matthew Clark never told Petitioner and his family that Petitioner would held liable to paying over \$1,000 of legal fees that is illegal under federal statute regarding garnishment and levying of SSI disability benefits. The whole "withdrawal of appeal" and acceptance of the General District Court decision is unconstitutional and

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 03/16/2020 @09:20:56

TESTE:   
CLERK/DEPUTY CLERK

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

v.

**BRIAN DAVID HILL,**  
**Defendant,**

Criminal Action No. CR19000009-00

Motion for Waiving Legal Fees or Not  
 Enforcing Them

**Motion for Waiving Legal Fees or Not Enforcing Them**

Pursuit to § 8.01-512.4 and 42 U.S. Code § 407, Brian David Hill (“Petitioner”) the criminal defendant in this case files this motion for requesting the Waiving of Legal Fees or Not Enforcing Them in this Circuit Court, for lack of funds and that Petitioner has no garnishable income and no liquid assets. Petitioner does not work a job and therefore does not actually make any money that can be subject to garnishment as it is a protected Federal Benefits program by Federal Law and is Petitioner’s only source of income to live off of.

This motion is to file evidence that establishes Petitioner has no garnishable income, owns no car, and owns no home. Petitioner owes no restitution to the Commonwealth of Virginia as there are no reported victims. The only fees charged

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 03/16/2020 @09:21:25

TESTE:   
CLERK/DEPUTY CLERK



to Petitioner is legal fees such as attorney fees, and that is forbidden under Federal Law from any kind of garnishment, execution and levying.

Quote from 42 U.S. Code § 407. Assignment of benefits:

(a) In general: The right of any person to any future payment under this subchapter shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this subchapter shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

Citing to *Washington State Dep't of Social & Health Servs v Guardianship Estate of Keffeler*, 537 US 371; 123 S Ct 1017; 154 L Ed 2d 972 (2003), the Court stated that an "other legal process (1) requires utilization of some judicial or quasi-judicial mechanism; (2) by which control over property passes from one person to another; (3) in order to discharge or secure discharge of an existing or anticipated liability." Here, a judicial mechanism was used (*i.e.*, a restitution order) to secure a discharge of Alexandroni's existing liability. Further, if the trial court used its contempt power to cause her to satisfy the restitution it would be "use of a judicial mechanism to pass control over those benefits from one person to another." Thus, although the trial court properly determined the SSDI benefits were "income," its use of its contempt powers would constitute an "other legal process" in violation of 42 USC 407(a). That is so, the court reasoned, even though a contempt order does not "touch a contemptor's money directly," but instead coerces the compentor to comply.

The Court concluded by stating that an actual contempt order would violate 42 USC 407(a), but the "mere specter of a contempt hearing" would not necessarily be an "other legal process." Additionally, the Court found, the restitution order itself remained valid, and the trial court could make further determinations as to Alexandroni's ability to pay from other sources of income.

That case law applies to restitution but Petitioner owes no restitution, but the legal argument and logic are exactly the same. Using any "legal process" to force the payment of legal fees to pay both the prosecution and defense lawyers violates the federal Social Security Act law.

Petitioner also files evidence in Exhibit in attachment to this "Motion" an Exhibit 1: Two receipt stubs of the \$500 a month of rent out of his \$783 dollars a



month, utilities included. The monthly rent only leaves Petitioner with \$283 a month to live off of. See Exhibit 1.

Petitioner, again is not subject to restitution. Petitioner has no victims. Petitioner's only legal fees are of attorney fees and any other misc. legal fees which would be exempted from any garnishment under federal law. Petitioner pays part of the remainder of that for fighting his state case and his federal criminal case for actual innocence acquittal. The cost of the legal mailings for both the state and federal cases (*Petitioner has six federal appeals pending before the Fourth Circuit, five are pro se and one is represented by a federal appellate attorney from West Virginia*), as well as the paper, ink, and pens. Diabetic shoes are no longer covered by Virginia Medicaid due to changes in Medicaid law or Medicaid benefits coverage, so now Petitioner has to pay for shoes once again as well as any special inserts to protect his feet as a Type 1 Brittle Diabetic. Petitioner's food stamps under EBT is also being lowered by the Commonwealth of Virginia over the years, and therefore some of his limited and only income of SSI disability money may also have to go towards food and snacks as well since he is a diabetic and may need to purchase juice or any glucose beverage. It is required by his diabetes educator from Carilion Clinic that he must have snacks with protein to prevent low blood sugars which can lead to a seizure or death.



Therefore Petitioner is asking this Court to not enforce its demand for legal fees out of this criminal case or that the legal fees be waived or only enforced to ever any future income that is not protected from garnishment. Petitioner is also thinking about declaring bankruptcy in the Roanoke federal courthouse against the State for demanding legal fees over an in-debtor that has no actual garnishable assets.

Already Petitioner is having to fight against his criminal case right and left out of belief that Petitioner was wrongfully convicted of indecent exposure and that Petitioner shouldn't be punished for fighting for his constitutional rights as that seems to deprive Petitioner of his constitutional rights to increase the legal fees anytime Petitioner files anything in trying to fight for his guaranteed constitutional rights for criminal defendants in all cases. Petitioner has until May, 2020, to start paying off his state debt to the Commonwealth of Virginia, as well as any additional legal fees to court appointed lawyer Matthew Scott Thomas Clark.

For one, the Federal Courts do not garnish Petitioner's SSI for attorney fees and do not garnish over him not succeeding in his criminal case. Only states seem to do this out of a desperate bid to maintain their state budgets, by making the indigent criminal defendants pay the legal fees instead of the tax dollars. However it may violate the Federal Supremacy Clause where Federal Laws are the supreme law of the land as long as it doesn't violate the United States Constitution.



The mental evaluation that was conducted in the General District Court stated that Petitioner has Autism and/or Obsessive Compulsive Disorder. Petitioner buys soap and other sanitary items that also cost a good amount of money to maintain hygiene, especially during the COVID-19 CoronaVirus pandemic.

It is absurd that the Commonwealth and it's Courts will mandate that Petitioner pay over \$1,000 for counsel that wasn't even effective and deprived him of due process and deprived him of having any defense at all, deprived him of having any evidence that would be exculpatory in proving his innocence, and yet Petitioner was never told by Matthew Scott Thomas Clark that Petitioner would be responsible for over \$1,000 worth of legal fees if he withdraws his appeal and accepts the decision in the lower court. That also very well makes his guilty plea illegal, invalid, null and void in the eyes of the United States Supreme Court.

If this Court has to continue this demand for legal fees from Petitioner who's only source of income is his SSI disability that is protected under 42 USC 407(a), Petitioner will have to declare bankruptcy in Federal Court or sue this Court under the Social Security Act to order a federal preliminary injunction and have emergency injunctive relief against the State Court for exercising an attempted garnishment through other legal process with threat of Petitioner facing jail-time if he doesn't pay the mandatory legal costs. Even the restitution fee exemption from



the protection from garnishment has its limits. Petitioner has no restitution in this state case. See "11/15/2019" "PAYMENT AGREEMENT PLAN".

His bank account is only used to deposit social security SSI payments through Direct Deposit. No other sources of money are deposited in this bank account. Exhibit 2 proves this as it will show his monthly amount. See. Exhibit 2. Petitioner may also have to keep a \$100 minimum to prevent bank fees. So even this bank account cannot be garnished as it is the Social Security Administration's mechanism for Direct Deposit for Petitioner's monthly SSI income.

Petitioner owns no land, owns no home, only rents, and his only sources of income are his SSI disability benefits. Public assistance payments (§ 63.2-506, Code of Virginia) which may include EBT can only be used for food and cannot be garnished. Petitioner is also renting the used furniture and doesn't even own them either. See the Affidavit attached thereto as supporting evidence. See Exhibit 3. Petitioner is on Federal Supervised Release and his Probation Officer never makes him pay any money for the court ordered Supervised Release Conditions.

If this Court cannot consider these circumstances of Petitioner's finances, Petitioner will have no choice but to legally declare federal bankruptcy which Petitioner will do because he has never been subject to these kind of legal fees before in his life. Even when he was sued by Righthaven, LLC, for federal



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

copyright infringement over what he had posted on USWGO Alternative News in 2011 at uswgo.com, the Federal Judge recognized that Righthaven, LLC was suing somebody who has a caretaker and only has SSI disability. Also USWGO Alternative News is the opposite of Infowars by Alex Jones as Infowars makes a profit off of his alternative media platform while Petitioner ran his website on a voluntarily basis from 2009-2012 as a hobby blog and never used that platform to make any profit. So USWGO Alternative News was like Infowars but USWGO isn't in it to profit off of truth and fear. He was only in it to get the truth out there to the American People, like a real journalist instead of the corporate Bilderberg Group controlled media. Here's the Federal Judge's opinion in his order:

Citing ORDER. Mr. Hill's [12] Motion for Attorney Fees is denied. By Judge John L. Kane on 9/9/11. Docket Number: 1:11-cv-00211, U.S. District Court for the District of Colorado:

"Apparently unbeknownst to Righthaven, however, Mr. Hill is a mentally and physically disabled young man who requires around-the-clock attention, which is provided by his mother. Because of his disabilities, neither Mr. Hill nor his mother can work; their only form of income is Mr. Hill's monthly Social Security disbursement. Initially, Righthaven showed little sympathy for Mr. Hill's poor health and limited financial resources. It opposed Mr. Hill's motion for an extension of time to file an answer, 2 and attempted to impose numerous conditions in its settlement negotiations with Mr. Hill. Mr. Hill refused to accept Righthaven's proposed settlement, instead filing an Omnibus Motion to Dismiss, Transfer Venue, and for Attorney Fees (doc. 12)."

Social Security Administration does not consider even household furniture as liquid assets such as "Household goods, if needed for maintenance, use and



occupancy of the home”, “Personal effects”, and “Property essential to self-support”. That is because a basic minimum is needed for survival and be able to communicate with members of the Government and Government agencies such as for example communications with the Courts of the United States and social service type programs. Without a telephone, Petitioner cannot call anybody or ensure that his legal filings by fax are even received. Faxes are cheaper than certified mailings. However, some courts may allow filings by fax and others do not. So then the filings are done by legal mailings which can get costly for somebody under a limited source of income per month. Depending on how complex the federal and/or state cases and pending appeals will get.

Even in increments, this places Petitioner in debt to the Commonwealth of Virginia, indebted to the state. How the costly debt was accrued due to Petitioner fighting right and left to be acquitted of indecent exposure, prevent a Supervised Release Revocation, and protect his constitutional rights which is punishment. Petitioner is punished with higher legal fees for exercising any of his due process and constitutional rights which puts the poor at a disadvantage. Forcing poor people to give up as they cannot afford to fight to prove their innocence. Our constitutional rights of American citizens should not be restricted to those who can afford it, constitutional rights are guaranteed by the Bill of Rights to all Americans, whether they are super rich like the Bilderberg Globalist Elite, rich, middle-class,



or even the poor. Even the state laws requiring that criminal defendants pay legal fees and increase those legal fees to those that fight their charges and appeal to the higher courts violates the Equal Protection clause of the U.S. Constitution. Federal Courts by example don't charge the legal fees of both the prosecution and defense attorney in federal criminal cases. Why are State Courts allowed to punish and take money from those who simply fight for their constitutional rights due to the matter of a state statute to save money for the state when Federal Courts also have scarce judicial resources and do not financially penalize those who simply fight as a criminal defendant for their constitutional rights and be able to defend themselves under effective counsel. Petitioner believes this deprives poor people and disabled people of due process in the State Courts, and violates both due process guarantee and the equal protection under the laws clause of the U.S. Constitution. A rich person can easily pay any thousands of dollars in a state case whether they win or lose, losing a criminal case is no big deal to those with a lot of money. However for a person under SSI disability disbursement payments, homeless people, and poor people, they are told to pay the State a lot of money or be jailed again and thus be charged with another crime and thus have even more debts and legal fees. It is extortion at best or at worst, extortion of the poor. Even Jesus Christ was for the poor and did not want the Roman Empire taxing the heck out of the poor and then they not receive any representation but instead being robbed of their



daughters, their land, and their property by the Romans that conquered them. The United States of America is not the Roman Empire though and has the Supreme Law of the Land which is the United States Constitution and the Supreme Court of the United States (SCOTUS) that is the final Court of last resort for all State and Federal judicial decisions.

The Circuit Court and all State Courts cannot override the Federal Supremacy Clause. Virginia lost the civil war in 1865 at Appomattox Courthouse, when they surrendered and was no longer part of the confederacy. It is illegal for any Court to garnish somebodies Social Security Disability (referring to "SSI") disbursement payments when that money is simply to pay these already-overpaid and dishonest lawyers and is not for restitution. With no restitution ordered by the Court of the Commonwealth of Virginia, this Court has no legal right to garnish the federal SSI income of Brian David Hill to pay lawyers' fees. Even at increments, it is still garnishing or levying and indebting Brian David Hill to pay the fees of lawyers. Even Jesus Christ denounced lawyers in the bible for their dishonesty stating bible verse of Luke 11:46 "*Woe to you also, lawyers! For you load men with burdens hard to bear, and you yourselves do not touch the burdens with one of your fingers.*" That bible verse is correct. Matthew Clark refused to fight for Petitioner and kept making excuses to persuade Petitioner and his family to withdraw the appeal but not telling his family that Petitioner would be liable for



over \$1,000 worth of legal fee debt. Matthew Clark will never touch with his fingers the very same burdens he placed on his client---Brian David Hill. Even Jesus Christ would not agree with what has happened to Petitioner. It is wrong. Malpractice by Matthew Clark and the frauds perpetuated by Glen Andrew Hall should not place such a hefty financial burden on Petitioner. The Government should never be going after the poor and putting the poor at such a disadvantage.

Petitioner has cited a bible verse and legal case law as to why the legal fees being levied against Petitioner over not prevailing in his criminal case is wrong.

Unless Petitioner has anything to liquidate, he virtually has no assets unless any used furniture he uses/needs or the printer he uses of his mother's to type up the legal filings would even remotely be considered an asset. Even at \$50 a month, this is still garnishment and places Petitioner in debt to the State over simply fighting for his constitutional rights. It is to retaliate financially against anybody doing anything or filing any pleading to fight for any constitutional or legal right.

Petitioner is filing this motion hoping that this Court will make amends to its wrongful judgment, that he will not have to take to the extremes of suing this Court under the federal Social Security Act over the anti-garnishment clause of Title 42 U.S. Code § 407, and even go a step further and declare bankruptcy which of course the Petitioner has nothing that could even exceed up to \$5,000 which that



amount of personal effects is protected under federal bankruptcy. Petitioner cannot even exceed that his used personal effects would even go up to \$5,000 since the used furniture is actually what his mother is letting him use. Used furniture, especially since used furniture have defects would be hardly worth anything, even if the furniture was claimed by Petitioner as his own for “maintenance, use and occupancy of the home” or even “Property essential to self-support”, it may not be considered liquid assets.

The Commonwealth of Virginia has no legitimate grounds to enforce its legal fees on Petitioner.

### CONCLUSION

For the foregoing reasons, Petitioner asks this Court to suspend or set aside its order on 11/15/2019 enforcing the payment of legal fees accrued in this state criminal case unless Petitioner has any liquid assets in the future that can be garnished (even though that is unlikely), or waive the legal fees entirely.

Petitioner asks this Honorable Court for such order by granting of this motion. Whether or not the Honorable Judge may personally agree or disagree with the opinions and bible verse quoted by Petitioner, Petitioner’s motion is well-grounded in law, well-grounded in evidence, and is not frivolous. Petitioner kindly asks that any emotional reaction to his opinions not be used against him in the



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

decision of this motion since it is protected under the First Amendment of the U.S. Constitution. Thank You!

**EXHIBITS ATTACHED TO THIS MOTION:**

Exhibit No.	Description	Page range
EXHIBIT 1.	Two rent pay stubs showing that Petitioner is having to pay \$500 rent a month to the landlord.	1-2
EXHIBIT 2.	SSI letter with the monthly income statement, from the Social Security Administration. Direct Deposit proof from SunTrust bank.	3-5
EXHIBIT 3.	Affidavit of Indigence by Brian David Hill in support of Motion.	6-9

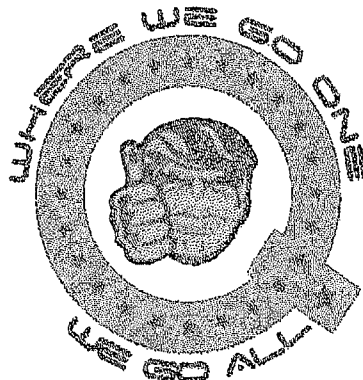
9 pages total.

Respectfully filed with this Court, this the 14th Day of March, 2020.

**BRIAN DAVID HILL**

Brian D. Hill  
*Signed*

Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505  
*Pro Se*

**U.S.W.G.O.**



**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of March, 2020, I caused this "Motion for Waiving Legal Fees or Not Enforcing Them" to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney's Office of Martinsville (Fax # 276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470

*Counsel for Appellee*

*Brian D. Hill*  
*Signed*

**U.S.W.G.O.**



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*



# Exhibit 1

USWGO  
ALLY OF QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



CIRCUIT COURT OF MARTINSVILLE, VIRGINIA, CASE NO.  
CR19000009-00

Exhibit in attachment to "Motion for Waiving Legal Fees or Not Enforcing Them"



3/16/2020

1:26:21 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 16/ 24

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

<b>RECEIPT</b>		No. 977502	
DATE <u>3-3-2020</u>			
FROM <u>Brian Hill</u>		\$500.00	
<u>Five hundred</u>		DOLLARS	
<input checked="" type="radio"/> FOR RENT			
<input type="radio"/> FOR			
ACCT.		<input checked="" type="radio"/> CASH	
PAID		<input type="radio"/> CHECK	FROM _____ TO _____
DUE		<input type="radio"/> MONEY ORDER	
		<input type="radio"/> CREDIT CARD	BY _____
		A-2501 T-45820	

<b>RECEIPT</b>		No. 977501	
DATE <u>2-2-2020</u>			
FROM <u>Brian Hill</u>		\$500.00	
<u>Five hundred</u>		DOLLARS	
<input checked="" type="radio"/> FOR RENT			
<input type="radio"/> FOR			
ACCT.		<input checked="" type="radio"/> CASH	
PAID		<input type="radio"/> CHECK	FROM _____ TO _____
DUE		<input type="radio"/> MONEY ORDER	
		<input type="radio"/> CREDIT CARD	BY _____
		A-2501 T-45820	



3/16/2020

1:26:52 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 17/ 24

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

# Exhibit 2

USWGO

ALLY OF QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



CIRCUIT COURT OF MARTINSVILLE, VIRGINIA, CASE NO.  
CR19000009-00

Exhibit in attachment to "Motion for Waiving Legal Fees or Not Enforcing Them"



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

SOCIAL SECURITY  
320 W COMMONWEALTH BLV  
MARTINSVILLE VA 24112

**Social Security Administration  
Supplemental Security Income  
Notice of Change in Payment**

Date: December 1, 2019  
BNC#: 19S1870H56730 DI



0149027 00149027 1 AB 0.412 CN6LNA T457 P9



COLA M04 11/24 A40 19S1870H56730

BRIAN DAVID HILL

310 FOREST ST

APT 2

MARTINSVILLE VA 24112-4210

We plan to increase your monthly Supplemental Security Income (SSI) payment from \$771.00 to \$783.00 beginning January 2020. The amount will change because the cost of living increased during the past year. You will continue to get the new amount each month unless there is a change in the information we use to figure your payment.

The rest of this letter explains more about your SSI payments. It also tells you how to find affordable health care.

We explain how we figured the monthly payment amount on the worksheet at the end of this letter. The explanation shows how your income, other than any SSI payments, affects your SSI payment. We include explanations only for months where payment amounts change.

**When You Will Receive Your Payments**

Your bank or other financial institution will receive your monthly payment of \$783.00 around January 1, 2020, and on the first of each month after that.

**If You Work Or Want To Return To Work**

Ticket to Work is a voluntary program that helps people getting disability benefits go to work. Employment networks or your State vocational rehabilitation agency can help you find, prepare for, and keep a job. If you join this program, there is no cost to you. We may also set aside review of your medical condition. You can find a list of service providers, benefits and work incentives counselors, and get your questions answered by contacting the Ticket to Work Help Line at 1-866-968-7842 (TTY 1-866-833-2967). You also can visit <https://choosework.ssa.gov/findhelp/> online.

See Next Page



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

3/14/2020

SunTrust Online Banking

**Checking \*7970****\$111.01**

Available

## Account Balance History

Date	Description	Amount	Available Balance	Current Balance
	Ending Balances for 02/03/2020		<b>\$391.00</b>	<b>\$391.00</b>
02/03/2020	VILL MARTIN DRIVEUP ATM MART INSVILLE VA 7581	-\$500.00	<b>\$391.00</b>	<b>\$391.00</b>
	Ending Balances for 01/31/2020		<b>\$891.00</b>	<b>\$891.00</b>
01/31/2020	SSI TREAS 310 XXSUPP SEC [REDACTED] 0319 SSI 9101736121	\$783.00	<b>\$891.00</b>	<b>\$891.00</b>
	Ending Balances for 01/14/2020		<b>\$108.00</b>	<b>\$108.00</b>
01/14/2020	VILL MARTIN DRIVEUP ATM MART INSVILLE VA 7581	-\$280.00	<b>\$108.00</b>	<b>\$108.00</b>
	Ending Balances for 01/03/2020		<b>\$388.00</b>	<b>\$388.00</b>
01/03/2020	VILL MARTIN DRIVEUP ATM MART INSVILLE VA 7581	-\$500.00	<b>\$388.00</b>	<b>\$388.00</b>
	Ending Balances for 01/02/2020		<b>\$388.00</b>	<b>\$888.00</b>
PENDING 01/02/2020	SUNTRUST 01/02/20 16:32	-\$500.00	<b>\$388.00</b>	<b>\$888.00</b>



# Exhibit 3

USWGO

ALLY OF QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



CIRCUIT COURT OF MARTINSVILLE, VIRGINIA, CASE NO.  
CR19000009-00

Exhibit in attachment to "Motion for Waiving Legal Fees or Not Enforcing Them"



**Affidavit of Indigence of Petitioner Brian David Hill in support of "Motion for  
Waiving Legal Fees or Not Enforcing Them"**

I, Brian David Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

1. My only monthly source of income I receive is my SSI Disability disbursement. This is the only source of actual income from the Federal Government through the Social Security Administration that supports me in my ability to survive, and to live. I cannot work a job, I am legally declared disabled. I have a handicap placard registered at the Virginia Department of Motor Vehicles (DMV) over my "Autism Spectrum Disorder". I am not just legally disabled under federal law which allows me to have income of SSI disability monthly disbursement which do not require me to work a job, but I am legally disabled under Commonwealth of Virginia. I am on a Medicaid waiver and require caretaker services due to my brittle Type I Diabetes that works against me with my Autism Spectrum Disorder and Obsessive Compulsive Disorder.
2. I pay \$500 monthly rent and do not own a home, I have no home in my name and have no land in my name.
3. I have no car in my name and own no car.
4. I receive \$783 a month of SSI disability. I am on Medicaid insurance, and I am on EBT Food Stamps. With the \$500 rent, I only have left \$283 a month left which goes towards hygiene products and hand sanitizer over my OCD, clothing which includes shoes since Medicaid no longer pays for diabetic shoes. I have to spend anywhere between \$0-100 a month on buying paper, mailing out legal cases materials in envelopes with certified mail to prove service of process since I am a criminal defendant in both federal and state court. Federal is over a possession charge and over a wrongful conviction and the state is over the indecent exposure charge in 2013 which I am fighting for acquittal in that case as well. I am using my mom's used furniture and need furniture to be able to go to sleep and to be able to at least sit down and have a life. I am having to use the leftover money on legal filings and mailings and then have to use the rest on being able to buy things that I need. Hygiene products, snacks for low blood sugar, fast food when I am forced to have appointments especially ones mandated by U.S. Probation such as counseling. Things add up and money runs out quick.
5. I understand that SSI disability money cannot be garnished according to Federal Law. I will defend my ability to not have the Commonwealth of Virginia garnish my disability income over attorney fees and the Federal Courts do not even do this compared to the



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State Courts. I plan on going to legal aid to file a Social Security lawsuit against the Circuit Court of Martinsville, against Matthew Clark, against Glen Andrew Hall, and others I will plan on naming in the Social Security lawsuit over forcing me against my will to pay legal fees to the Circuit Court of Martinsville or I may face jail time if what I had read was correct in the document given to me by the deputy Clerk of the Circuit Court of Martinsville. I also understand that if I am now indebted to Martinsville, to the Commonwealth of Virginia, over the ineffective counsel and a corrupt prosecutor Glen Andrew Hall, that I will have no choice but to declare federal bankruptcy and have a Federal Judge review over my state debt to block Virginia from being forcing me against my will to pay simple legal fees to the Commonwealth of Virginia as I have no victims so no restitution is ordered and I had not been fined either. I was only sentenced to jail-time. The legal fees are the same as with a lawsuit and sanctions in a lawsuit where a corporate party or private party demands that I pay a legal fee or suffer legal retribution, for example when I was sued by Righthaven, LLC in 2011 for copyright infringement over my political blog of USWGO Alternative News at uswgo.com from 2009-2012. That is garnishment and is illegal under Federal Law from what I understand. I don't know if the Commonwealth is considered the same as a private party in litigation but government lawyers can sue and litigate as well. So bankruptcy should also apply to state debts that have nothing to do with restitution, I will weigh my legal options. Since there is no restitution ordered by the State Court and there are no reported victims of the state crime charged to which require restitution under law, it is nothing more and nothing less to me than garnishment which may be illegal under Federal Law. I will sue under the Social Security Act as my first federal lawsuit I plan on filing against the Circuit Court of Martinsville, as a public case against them. My second plan is to declare federal bankruptcy since I have no credit cards and I have no loans so declaring bankruptcy will not affect my SSI disability disbursement income payments. I have never owned any stocks or bonds. I have never invested in a company. I have no 401K (whatever that is) and never even had any of such. I will try to see if legal aid or any other social justice legal advocacy organization will agree to help me in the lawsuit(s) I plan to file over the issue of mandatory legal fees by Martinsville Circuit Court. As a matter of law, it is my right and duty as a citizen to file suit to protect my only source of livable income for me being disabled and cannot work a job. I have a caretaker paid for by Medicaid for God's sake. I cannot work a job, and need a caretaker. The legal fees against a disabled person with medical health problems is not right and is not legally feasible.

6. Even though I am on Federal Supervised Release conditions by the United States Probation Office, they had never charged me for wearing any ankle monitor, they had never charged me for attorney fees. They know my SSI benefits are protected. Unless I work or make any kind of money outside of SSI disbursement, the Federal Court doesn't demand any money from me. I hope the State Court will make the same decision and not enforce legal fees against somebody with SSI disability as the only source of income.

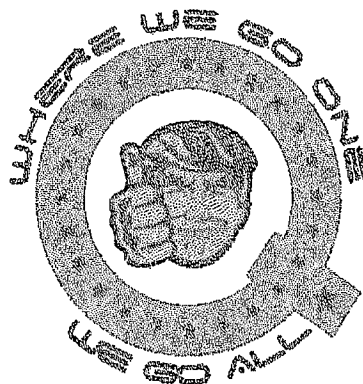
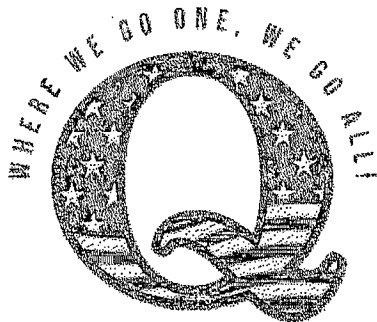


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7. Again, the remainder of that money goes to the costs of legal mailings which get expensive in complex cases and complex appeals, paper, ink, pens, and any other material necessary for fighting my federal and state criminal cases which includes my six pending federal appeals and 2 appeals with the Court of Appeals of Virginia and 1 appeal with the Supreme Court of Virginia. One federal appeal is represented by Attorney Ryan Edward Kennedy (also Mayor of Clarksburg) of Clarksburg, West Virginia and the other five federal appeals are pro se. The costs of maintaining multiple federal and state appeals can be costly. I also use my remaining money on things that I need such as soap, tooth paste, mouth wash, hygiene products, diabetic snacks or even drinks with sugar for low blood sugar, clothes, and products to deal with my carpal tunnel pain, and any other necessities.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 15, 2020.



BRIAN DAVID HILL

*Brian D. Hill*  
*Signed*

Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505  
*Pro Se*

**U.S.W.G.O.**



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Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 3/15/2020

Time: 11:54:13 PM

Number of pages: 23

Session duration: 5:14

Attn.: Glen Andrew Hall, Esq.

To: Commonwealth Attorney

Recipient's number: T1-276-403-5478

Message type: Fax

Filename: C:\ProgramData\Venta\VentaFax &amp; Voice 6\Out\Motion for Waiving LegaError Correction: Norce Them(6)\_w\_Exhibits\_Signed (2020-03-15).tif

File description: Motion for Waiving Legal Fees or not to Enforce Them(6)\_w\_ExhibResolution: 200\*200 dpi

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Record number: 8111

Rate: 14400 bps

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

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	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	
_____	)	<b>Motion for Waiving Legal Fees or Not</b>
	)	<b>Enforcing Them</b>

**Motion for Waiving Legal Fees or Not Enforcing Them**

Pursuit to § 8.01-512.4 and 42 U.S. Code § 407, Brian David Hill

("Petitioner") the criminal defendant in this case files this motion for requesting the Waiving of Legal Fees or Not Enforcing Them in this Circuit Court, for lack of funds and that Petitioner has no garnishable income and no liquid assets. Petitioner does not work a job and therefore does not actually make any money that can be subject to garnishment as it is a protected Federal Benefits program by Federal Law and is Petitioner's only source of income to live off of.

This motion is to file evidence that establishes Petitioner has no garnishable income, owns no car, and owns no home. Petitioner owes no restitution to the Commonwealth of Virginia as there are no reported victims. The only fees charged



3/16/2020 1:34:59 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/ 11

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## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

v.

**BRIAN DAVID HILL,**  
**Defendant,**

\_\_\_\_\_

Criminal Action No. CR19000009-00

Motion to Proceed Pro Se on Appeals

**Motion to Proceed Pro Se on Appeals**

Pursuit to the Sixth Amendment of the United States Constitution, if this Court cannot appoint/afford effective counsel to Brian David Hill ("Petitioner") the criminal defendant in this case, then Petitioner prefers to represent himself in both criminal appeals, and files this motion with the Circuit Court asking that Petitioner represent himself in both appeals.

Petitioner rather not be ruined by Matthew Scott Thomas Clark who is doing the Deep State Swamp a benefit by misrepresenting Petitioner and not getting in contact with Petitioner at all during both appeal case nos. CAV #0128-20-3, and CAV #0129-20-3.

Attorney Matthew Clark never told Petitioner and his family that Petitioner would held liable to paying over \$1,000 of legal fees that is illegal under federal statute regarding garnishment and levying of SSI disability benefits. The whole "withdrawal of appeal" and acceptance of the General District Court decision is unconstitutional and



invalid. Petitioner cannot stand for this. Neither will Qanon stand for this either and the ones responsible for Petitioner and his mother suffering under the carbon monoxide gas will be arrested for any evidence found of high treason or whatever high crimes and misdemeanors was caused by such misconduct. Whoever tried to poison Brian David Hill with carbon monoxide poisoning by metal tin being placed on the chimney will also be arrested for high crimes and misdemeanors. Petitioner will cooperate with Donald Trump, John Durham, the Qanon intelligence people, and will work with whoever to make sure that they are all arrested for the crimes committed against Brian David Hill and his mother that extend as far as the carbon monoxide which caused the indecent exposure incident on September 21, 2018. Petitioner will not accept his fate of self-destruction by coercion.

Brian David Hill, (the "Appellant" or "Petitioner") respectfully files this emergency motion with this Honorable Circuit Court of Martinsville, Virginia, to proceed pro se in both direct appeals of this criminal case, that Brian David Hill be permitted to represent himself in both appeals and that Matthew Scott Thomas Clark be discharged from his obligation to represent Brian David Hill in both appeals as his attorney of record for being defective counsel and ineffective counsel. Matthew Scott Thomas Clark shall be referred to as "Mr. Clark". Matthew Clark as well as Lauren McGarry have lied to Petitioner and his family. Then Glen Andrew Hall lies about Petitioner in his response filing in the Court of Appeals of Virginia which is defamation and depriving Petitioner of any opportunity to respond. Matthew Clark has ruined Petitioner and deprived him of all of his constitutional rights including the Sixth Amendment and the Fourteenth Amendment of the United States Constitution. Matthew Clark deserves no legal fees and



deserves nothing but criticism and complaint. Matthew Clark and the Public Defender office gets paid to sell Petitioner down the river like a house slave of a plantation during the 1800's when slavery was allowed. Petitioner plans to sue them all in Federal Court for malpractice.

### **I. STATEMENT OF THE FACTS**

Statement of the facts as to why Petitioner is proceeding pro se in both appeal cases referenced thereto.

1. Mr. Clark had not contacted Petitioner, not even once over the matter of both appeals. He had not filed anything, he had not investigated anything in regards to the appeal cases. Petitioner has done a better job at his pro se filings than his court appointed counsel(s) ever have.
2. Petitioner has sent a fax to Mr. Clark's office, his assistant confirmed receipt of such fax and FAX transmission ticket also proves receipt. Mr. Clark never responded to that letter requesting that he withdraw himself from the appeal cases as "ineffective assistance of counsel" was planned to be brought up as a ground in Petitioner's planned Petition for Appeal.
3. Glen Andrew Hall has lied about Petitioner and had defamed Petitioner on the record in case no. 0128-20-3, without giving him any opportunity to respond. Mr. Clark allowed all of this to happen and allowed deprivation of Petitioner's entire constitutional rights for criminal defendants under the adversarial system. From the record in the Table of Contents, there is no indication that



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Mr. Clark ever did anything to actually defend his client with exception to filing a Motion for a Continuance. This attorney failed on the record to adopt any of Petitioner's pro se motions which all had a good basis for them. For example, the Motion to Dismiss due to lack of evidence of obscenity or lack of intent should have been acted upon to fight for Petitioner's legal innocence in a court system with scarce judicial resources. The Defense counsel did nothing to ask for any expert witnesses, there was an omission from the mental evaluation in the General District Court on record with the omitted psychiatric diagnosis of psychosis by Dr. Conrad Daum of Piedmont Community Services which that diagnosis was done before the court ordered mental evaluation. Information like that should not have been suppressed or omitted by Scott Albrecht. Lauren McGarry and Mr. Clark both failed to request a new mental evaluation to bring up the omitted medical record from Piedmont Community Services. Also evidence of carbon monoxide gas was never brought up with the mental evaluator in the General District Court. However defense counsel ignored that as well and did not request a new evaluation to bring up the omitted evidence and the newly discovered cumulative evidence of carbon monoxide gas that was in Petitioner's home before and after his arrest. Carbon monoxide would have either been a good reason or excuse in front of a jury as to Petitioner's abnormal behavior of running naked down the Dick and Willie hiking trail at night. Laboratory tests were ordered but then were canceled by the Hospital without explanation which is medical neglect and cover up for Martinsville Police in favor of the prosecution. They find somebody who was running down a hiking trail at night butt naked and isn't making any sense to the police who



question him, and the police decide not to test him for any narcotics, substances, or gases. See Exhibit 10 of the CORRESPONDENCE evidence (pg. 135-302) which such pages were marked as page 353 through 360 (presumably by the Circuit Court Clerk). The laboratory tests would have shown a substance or drug/narcotic or gas that would have caused the abnormal behavior of Petitioner on September 21, 2018. The Commonwealth Attorney and Mr. Clark ignored it all and allowed these omissions and cover ups to happen.

4. It is clear that Petitioner has many different good reasons as to why counsel was ineffective and defective in refusing to represent Petitioner in both appeals and yet refuses to request that he withdraw himself as counsel from Petitioner's appeals which is unprofessional misconduct and misrepresentation of a client and would violate the State Bar professional guidelines and ethics. Mr. Clark is not representing Petitioner to the best of his abilities, in fact he is doing absolutely nothing for both appeal cases.
5. Matthew Clark, Scott Albrecht, and Lauren McGarry have all failed or refused to send any "litigation hold" letter to the Commonwealth Attorney, the Martinsville Police Department, and the Court demanding that the prosecutor of the criminal case and the ones that pressed the charge not be legally allowed to dispose of any evidence that may be favorable to the defense which includes but not limited to the body-cam footage. Sovah Hospital was never sent a "litigation hold" letter either by former Martinsville Public Defender office Attorney Scott Albrecht. Because of this, the fact of the levels of carbon monoxide poisoning of Brian David Hill will never be established. This is



unacceptable. If Petitioner is not given an absolute pardon of innocence from Virginia Governor Ralph Northam, Petitioner will plan on suing all of his court appointed lawyers for malpractice including Scott Albrecht, sue Glen Andrew Hall, sue Sovah Hospital, and sue Officer Robert Jones within the Federal Courts. **Petitioner was illegally convicted by this court by counsel that did absolutely nothing to defend his client.** Null and void, this court had lack of jurisdiction to deprive Petitioner of effective assistance of counsel. No jury trial in this criminal case may ever be valid as this point because evidence was permanently destroyed by the work of both Glen Andrew Hall and the ineffectiveness of defense attorneys colluding to deprive Petitioner of his constitutional rights, that would have caused a jury to actually find that Petitioner had extreme levels of carbon monoxide poisoning which caused the indecent exposure and no conviction would have ever prevailed. The body-cam footage too could have shown that Petitioner wasn't acting right and the officer went too far. It could have demonstrated that Petitioner was not in his right mind at the time which is temporary insanity, and would have warranted that laboratory tests should have been completed. Laboratory tests were already ordered by the Hospital but were canceled because Brian was going to jail so the evidence must be covered up for Martinsville Police Department and its corrupt Commonwealth Attorney ensuring that Petitioner goes to Federal Prison on a probation violation which was unfounded from its inception. All Scott Albrecht did on December 21, 2018, was argue that Petitioner wasn't being obscene but didn't provide any case law and didn't file any litigation hold letters preventing any spoliation of evidence. Petitioner will



never get a fair trial in this Court due to the spoliation of evidence, yes spoliation of the very biological evidence that was favorable to the defense. This Circuit Court has failed him, justice was NOT SERVED. The Hon. Judge Greer failed him, and the entire Virginia Court system failed him. WHY??????????? What has Petitioner done to deserve all of this? They have failed to provide real justice to Brian David Hill---formerly of USWGO Alternative News in Martinsville, to Virginia. Such structural defect by an extreme case of ineffective counsel so severe that it has allowed evidence to be destroyed in favor of Glen Andrew Hall, a man of no justice, a man of no sympathy, a man of no honor that persecutes people. Scott Albrecht let Sovah Hospital destroy the blood vials and thus to forever prevent Petitioner from ever establishing the levels to prove carbon monoxide poisoning. Petitioner will not stand for this and Qanon will not stand for this either. Qanon knows that Petitioner was carbon monoxide poisoned, the U.S. Military knows what happened to Brian. The threatening greeting card makes it obvious. That was why Petitioner was able to only spend 10 hours in a Federal Prison with an expedited audit then order for release because Qanon and the military knows that Petitioner was set up for an indecent exposure charge and knows that Petitioner is innocent of all of this. This Circuit Court should be following all U.S. Supreme Court case law precedent and guaranteeing effective assistance of counsel to Petitioner instead of letting him be screwed over and being charged legal fees in violation of Federal Law regarding garnishment. It is wrong that Petitioner has to pay over \$1,000 in legal fees over to the corrupt prosecution and his corrupt defense lawyers who did absolutely nothing to



defend their clients in an effective manner. This is not constitutional under Article III of the U.S. Constitution. This is unconstitutional under the Sixth Amendment guarantee of effective assistance of counsel. Petitioner was unlawfully convicted, that much is clear in the eyes of justice. State Courts also have to operate under due process clause of the Fourteenth Amendment and cannot sidestep the United States Supreme Court. State courts are not above the law. Virginia Courts can't act only locally like a confederacy of the civil war but must act in accordance with the well-established principles of law. Circuit Courts cannot act independent from the United States as long as Virginia has not legally seceded from the union. All courts are subject to the United States Constitution and the Federal Supremacy Clause. Petitioner is guaranteed the right to effective assistance of counsel or Petitioner has the right to proceed pro se if the Court has repeatedly failed to appoint Petitioner a lawyer who is effective. Under the Sixth Amendment, if Petitioner is barred by the State from getting effective counsel that isn't fixed to work with the prosecution, then Petitioner has the right to represent himself before this Court and the Court of Appeals of Virginia.

### **CONCLUSION**

For the reasons stated above, the Petitioner respectfully urges this Court to remove Petitioner's counsel of record "Matthew Scott Thomas Clark" from both appeal cases and permit Petitioner to proceed pro se any further in both of the appeal record nos. CAV #0128-20-3, and CAV #0129-20-3 referenced in this motion. Thank You!



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Respectfully Submitted on this the  
13th day of March, 2020,

BRIAN DAVID HILL

**Pro Se**

*Brian D. Hill*  
*Signed*

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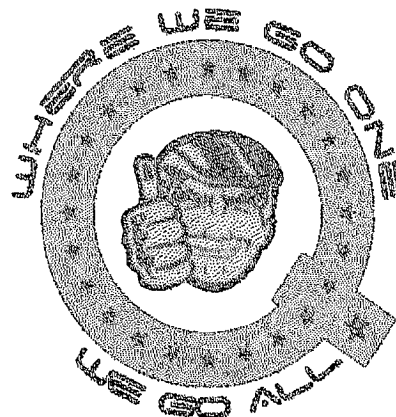
Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
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24112  
(276) 790-3505  
*Pro Se*

**U.S.W.G.O.**





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**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of March, 2020, a true copy of the foregoing Motion/Pleading was faxed (Fax # 276-403-5478) to the Office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia.

Transmission Ticket as proof of service.

Brian D. Hill  
Signed

**U.S.W.G.O.**

Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street,  
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Martinsville, Virginia  
24112  
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*Pro Se*



## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

**v.**

**BRIAN DAVID HILL,**  
**Defendant,**

)  
 )  
 ) **Civil Action No. CL20000089-00**  
 ) **Criminal Action No. CR19000009-**  
 ) **00**

)  
 )  
 )  
 )  
 ) **Affidavit/Declaration by Brian**  
 ) **Hill in support of Brian David**  
 ) **Hill's "Motion for writ of error**  
 ) **coram vobis"**

**Affidavit/Declaration by Brian Hill in support of**  
**Brian David Hill's "Motion for writ of error coram vobis"**

I, Brian D. Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

I did tell Martinsville Police Officer Robert Jones the truth on September 21, 2018, about what I believed had happened at the time was a guy wearing a hoodie who had said that my mother Roberta Hill would be killed if I didn't get naked and take photos of myself. At a later time I had discovered new information that had changed my suspicions and now it is clear, that carbon monoxide is what I believe had caused me to do what had happened on September 21, 2018. It would explain why I thought I was drugged. It would explain why I behaved in an unexpected and an abnormal way.

I had mailed evidence on July 20, 2019, to the Martinsville Police Department in the envelope with certified mail tracking number 7017-2680-0000-5750-9122 and



return receipt tracking number: 9590-9402-3527-7275-7497-41. It was signed for by Police Chief G. E. Cassady on August 7, 2019 2:52 pm, the date and time sourced from the U.S. Postal Service database which can be found out by having somebody check that information at the USPS website or even by me phone calling the USPS customer care number to track a package. I have the return receipt and have verified that it was G. E. Cassady due to the signature and what was written on the return receipt, and the envelope was restricted delivery.

After November 15, 2019, when the Circuit Court withdrawn my appeal in the Circuit Court, I asked Matthew Scott Thomas Clark—my Attorney to give me a copy of the case files of my state case as I was going to use those case files to fight my own case in a Writ of Habeas Corpus petition and any other means to try to overturn my wrongful state conviction since I knew that counsel was ineffective.

Then I received a lot of papers as well as the original envelope of what was mailed to Martinsville Police Chief G. E. Cassady, yes that same envelope under certified mail tracking number: 7017-2680-0000-5750-9122 and return receipt tracking number 9590-9402-3527-7275-7497-41, it was never opened up and never investigated by anybody. I was shocked that Attorney Matthew Clark had my envelope that was supposed to be disseminated to the Martinsville Police Department full of evidence including the threatening greeting card that my mother received, and cumulative evidence of carbon monoxide. I was shocked that the Police Department did not ever open the envelope to investigate any of the evidence. I was angry at Martinsville Police Department, felt like filing a complaint against them but all I can do is expose to the Martinsville Circuit Court, as well as to the Federal Court if necessary that Martinsville Police Department refused to investigate any evidence including the threatening greeting card that my mother received from Nashville, Tennessee in 2018.

I took photos of that envelope to submit to the Court as evidence for the Writ of Error Coram Vobis (Nobis). I never opened the envelope as I already had a photocopy of the entire contents of the envelope. I am keeping it sealed and in a box as evidence for use in the Writ of Error Coram Vobis (Nobis), that evidence was never investigated by Officer Robert Jones, that Martinsville Police Department was incompetent and did not do their job to protect me from criminals including those sending my mother a threatening greeting card. I was



even willing to be questioned by Martinsville Police without a lawyer to let them know about the threatening greeting card and the carbon monoxide but they didn't care.

When I was at the Federal Correctional Institution 1 at Butner, North Carolina inside of the Federal Correctional Complex during the court ordered mental evaluation from January to I believe around April of 2019, during one of the visitation times when my family visited me, my family told me around I believe in February or March, I am not sure as I am not sure if I noted the exact date of when my family told me. They told me about the carbon monoxide and I told my family that I think it had something to do with what had happened and asked them to look into it. Then they mailed me as well as stuff to forensic psychologist Dr. Dawn Graney, about the carbon monoxide damage in Apartment 2 which was my Apartment around the time that I went out to the Dick and Willie hiking trail on December 21, 2018. It talked about hallucinations as one of the symptoms of carbon monoxide exposure. The reason my family was agreeing to the bond conditions for my Federal Supervised Release Violation on May, 2019, was because they realized that it was the carbon monoxide that had caused me to do that weird stuff on September 21, 2018, from what my mother, grandma, and grandpa had told me verbally. The reason my family didn't agree with Scott Albrecht with wanting to have me out on bond in 2018 and released to my residence was because my family didn't know about the carbon monoxide and didn't understand why I was out there naked and wandering off by myself. My family was angry at me, they thought I would repeat that wandering outside behavior and didn't want me wandering out at night again. After they found out about the carbon monoxide in January 2019 as I was told, and I never repeated that behavior again, and never wandered outside at night again. I feel nothing compelling me to walk outside at night even though on September 20, 2018, late at night, something did compel me to walk outside at night wandering around and then the guy in the hoodie and that weird stuff. I felt that I absolutely had to, that strongly I felt the need to walk around outside at night, and didn't understand why I felt such a huge need to do so. I thought I was directed to do so, I thought it had something to do with the guy wearing the hoodie, I was telling the truth because at the time that was all I had to go by. That was all I could think of as reason why I was out on September 21, 2018.



Now that I am aware of the carbon monoxide evidence, the white residue in my fireplace and what was in my mother's fireplace, now I understand why I did what I did on September 21, 2018. I am not expecting the Commonwealth Attorney and the Police to ever believe me, but the more proof I can get it gives me clarity to understand that it was not my fault why I ended up naked on the Dick and Willie hiking trail on September 21, 2018. I apologize for it, I will never do it again, but I did not break the law and I believe what Scott Albrecht had originally told me was correct, that I was technically legally innocent of indecent exposure because of not being obscene and not having the intent to do such. Anytime I tell an average person about my story about the carbon monoxide and what happened on the Dick and Willie trail, they understand and knowing that at night nobody of the public in their right mind is going to be out walking the trail and no children walks that trail at night, at least the night that I was on that trail to my knowledge nobody in their right mind will walk that trail all alone, they feel that I didn't try to do something with criminal intent when they hear of my story. The average person understands that people who get drunk on alcohol, drugs, or is on a substance or gas, might do something crazy and unexpected. That person might run around naked like somebody being addicted to Bath Salts. Yeah I have read articles in the past of people that taken bath salts running around naked and eating the flesh of somebody when on Bath Salts. However I was never on any of that, I was never taking Bath Salts and never tried that. Just saying an example here. There are examples of those who were caught naked in public while on a drug, alcohol, substance, or even a gas that can mentally drive somebody crazy. I told my family in 2018 that I thought I was drugged from that night on September 21, 2018, I had black outs, when I was first arrested in Martinsville City Jail I kept just wanting to sleep and had pain. It was painful even getting up. I wasn't thinking straight and at times I had acted crazy like during one time screaming in the cell and at other times cussing out the jail guards and cussing out Martinsville Police. I had never acted like that in my life. When I had operated USWGO Alternative News I was polite to the police and was doing my job as an investigative journalist for alternative media but that was such a long time ago, from 2009 to 2012 that I had operated USWGO Alternative News. It was like I threw caution to the wind and did not care about consequences. Carbon monoxide, who knows what kind of damage it was doing to me. It can cause brain damage too. My mother had told me verbally that she worries that she may have



brain damage from the carbon monoxide. She didn't use to need reading glasses until after being exposed to carbon monoxide, her eyes have gotten worse and mine has as well. The carbon monoxide does something to the brain and possibly the nerves.

I did also try to fax information about my situation to the Fire Marshal's Office and they did not ever respond to my fax. I feel like nobody wants to investigate this and that nobody cares to even do so.

So if Glen Andrew Hall, the Commonwealth Attorney of Martinsville, Virginia, argues that the police never found a guy wearing a hoodie, they wouldn't even question my mother about the threatening greeting card and never asked for my mother to turn it over to them. I am aware of this because my mother still has the original anonymous threatening greeting card and the other anonymous greeting cards from Nashville, Tennessee. Anybody sending threats anonymously through the Postal Service is likely committing a federal or state crime. For the Martinsville Police refusing to ever question me and to ever question my family, and just have the court appoint me lawyers that were all ineffective, I felt abandoned by our justice system, **I felt abandoned by our Police Department.** As a citizen of Martinsville, it is my right and duty to report crimes and mail evidence to the Police, but they have failed me and my family. What a tragedy!

**I will NEVER trust Martinsville Police Department ever again, I will no longer call them again for anything important as that they are incompetent, ineffective, and don't investigate any crimes I may report to them.** They won't listen to me so why should I waste my time calling them during an emergency. Instead I will call the FBI as they might do something more about me reporting the crime than Martinsville Police Department. **I don't trust them, they betrayed me and my family, and they ignored evidence, and allowed me and my mother to be a victim of a threatening greeting card and never asking to see the cards.**

I was shocked that the envelope to the Police Chief was in the possession of Attorney Matthew Clark who kept begging me and my family to withdraw my appeal without telling me of the consequences I faced and the rights I would lose by doing such. Matthew Clark is unconstitutionally ineffective. Matthew Clark betrayed me and family too. The deputy Clerk at the Martinsville Circuit Court told me in regards to the attorney fees on November 15, 2019, that it doesn't



include the fees that Matthew Clark may charge me for withdrawing my appeal and accepting the decision of the General District Court. That is cold and cruel, and nasty for Matthew Clark to beg me to withdraw my appeal knowing that my Social Security Disability SSI disbursement would be garnished to not just pay the Commonwealth but also to the very Attorneys that told me to give up and withdraw my appeal. That was a traitorous and scummy thing to do. Matthew Clark made me so angry that I am going to have to pay his attorney fees for doing absolutely nothing to put himself on the line to actually defend me, I felt like cussing him out over the phone but refrained from doing so. I have also thought about suing him and filing a BAR complaint as well as asking my mother to write bad reviews on him for other people to see. I was so angry that Matthew Clark would sell me out and then can extort money off of that from me. It is extortion when somebody illegally demands money from you. It is unlawful to garnish SSI disability disbursements. It seems like extortion to me. I feel it is extortion and Matthew Clark didn't do anything to fight and attempt to get the case dismissed, he didn't even try to submit any evidence, didn't find any expert witness to testify. He just totally sold me out. He didn't even ask the Police Chief to accept my envelope. He didn't even try to ask the Police or Commonwealth Attorney to simply review over the evidence of threatening greeting card and carbon monoxide proof inside of the envelope. That is warped and a miscarriage of justice.

Again, I was shocked that he had the envelope and didn't even try to give it back to Martinsville Police, never told me anything about him taking possession of the envelope after it was transferred to the Commonwealth Attorney. He didn't do anything to show that I was innocent of indecent exposure, he didn't even try to establish any reasonable doubts. Reasonable doubts can be raised at a jury trial or bench trial. Carbon monoxide was a reasonable doubt. The Hospital of Sovah in Martinsville, also known as Martinsville Memorial Hospital deleted the entries from the chart and didn't do anything with the blood vials of what was drawn from my arm at the Hospital on September 21, 2018, that was not professional. That would be a reasonable doubt that laboratory tests were canceled/deleted from chart without my knowledge.



If the General District Court or any other Court was told that I was medically cleared when I was charged with indecent exposure, which is a lie and is not a fact. That is a lie, that is not a fact, that is a lie, that is lie. I cannot stand for this.

How could I be medically cleared when I had two abnormally high blood pulse readings which is Sinus Tachycardia when it is over 100 for resting blood pulse? My blood sugar appeared to have never been tested when I reviewed over my medical record for September 21, 2018. So the Hospital screwed up big time and I can prove this to the Court. They knew I had sinus tachycardia and cuts/abrasions all on my body and yet released me to jail shortly afterwards which caused me to have possibly scars and having open abrasions/cuts in Jail which of course is the worst place to have cuts and wounds. Jails have a lot of diseases and the Hospital knew I was going to jail. Then they put in the medical report for me to see my doctor the next day. They knew discharging me to Jail would prevent that from happening. How careless of Sovah Hospital!!!!!! They lied, this was medical neglect at best, who knows at worst.

It says from the medical report "Private Physician; When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care" However how could I see my private physician the next day when I was in jail? So this proves that I was not medically cleared because Sovah Hospital was incompetent and I believe had medically neglected me. The Hospital released me with Sinus Tachycardia readings, refused to complete the Laboratory tests that were ordered after drawing my blood, and they didn't even check my diabetic blood sugar even though they said I was diabetic on the medical record of the Hospital on September 21, 2018. It says from the medical record and I quote that *"04:48 28-year-old male with diabetes and autism presents for evaluation..."* The Hospital had medically neglected me and should not have cleared me for release. I plan on suing Sovah Hospital and Martinsville City Jail for medical neglect, malpractice, and medical indifference before September 21, 2018, if that is what it takes. I will sue Sovah Hospital for damages of medical neglect and such neglect causing my wrongful conviction to pay for the legal fees that Martinsville Circuit Court demands that I pay over the criminal case. They allowed my bloodwork for the Laboratory testing to be destroyed which could have exonerated me and would have been more provable than me talking about some guy wearing a hoodie. The General District Court Judge would have believed carbon monoxide



had the exculpatory evidence been preserved. The Police failed me, the Attorneys failed me. I will never trust Martinsville Police again, I will never trust a court appointed lawyer ever again, I will never trust a lawyer paid for by the Government ever again, EVER.

If Martinsville General District Court knew any of this, would they have convicted me????????????? There were Courts that were not told by the Commonwealth Attorney and not be Scott Albrecht, not told by Lauren McGarry, and not even by Matthew Scott Thomas Clark. If the truth can come out, it will be embarrassing to Martinsville Police Department, they rather the truth be buried and convict me like everyone else, like all the other poor slaves working for change each hour. It is systematic slavery by the State.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 25, 2020.

Signed,

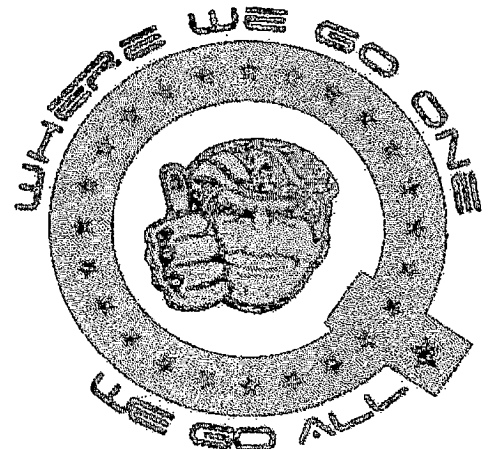
Brian D. Hill  
*Signed*

**U.S.W.G.O.**



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*





Filed with the Honorable Circuit Court of Martinsville, this the 25<sup>th</sup> day of March, 2020.

Signed,

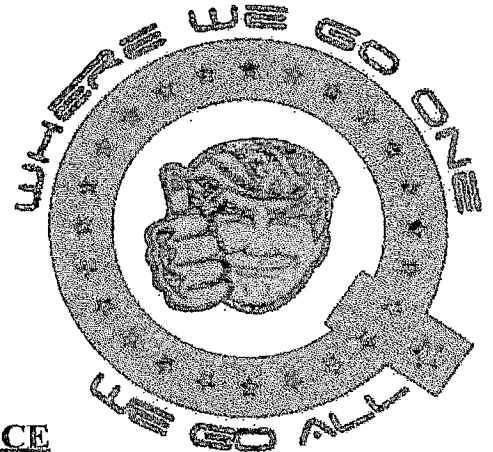
Brian D. Hill  
*Signed*

**U.S.W.G.O.**



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of March, 2020, I caused this “Affidavit/Declaration of Brian Hill in support of Brian David Hill’s “Motion for writ of error coram vobis” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s



Office of Martinsville (Fax #276-403-5478) and will attach proof of service  
(*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of  
service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

*Brian D. Hill*  
*Signed*

**U.S.W.G.O.**



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*





Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax &amp; Voice (http://www.ventafax.com)

Transmission ticket for Fax ID: 276-790-3505

Date: 3/25/2020

Number of pages: 10

Attn.: Glen Andrew Hall, Esq.

Recipient's number: T1-276-403-5478

Filename: C:\ProgramData\VentaVentaFax &amp; Voice 6\Out\Declaration of Brian Hill Error Correction: NoInla Court (3)Signed {2020-03-25}.tif

File description: Declaration of Brian Hill for Coram Vobis Virginia Court (3)Sig

Recipient's Fax ID: 12764035478

Rate: 14400 bps

Time: 1:04:28 AM

Session duration: 13:57

To: Commonwealth Attorney

Message type: Fax

Error Correction: NoInla Court (3)Signed {2020-03-25}.tif

Resolution: 200\*200 dpi

Record number: 8119

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
COMMONWEALTH OF VIRGINIA,  
Plaintiff,

v.

\_\_\_\_\_  
BRIAN DAVID HILL,  
Defendant,

Civil Action No. CL20000089-00  
Criminal Action No. CR19000009-  
00

Affidavit/Declaration by Brian  
Hill in support of Brian David  
Hill's "Motion for writ of error  
coram vobis"

Affidavit/Declaration by Brian Hill in support of  
Brian David Hill's "Motion for writ of error coram vobis"

I, Brian D. Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

I did tell Martinsville Police Officer Robert Jones the truth on September 21, 2018, about what I believed had happened at the time was a guy wearing a hoodie who had said that my mother Roberta Hill would be killed if I didn't get naked and take photos of myself. At a later time I had discovered new information that had changed my suspicions and now it is clear, that carbon monoxide is what I believe had caused me to do what had happened on September 21, 2018. It would explain why I thought I was drugged. It would explain why I behaved in an unexpected and an abnormal way.

I had mailed evidence on July 20, 2019, to the Martinsville Police Department in the envelope with certified mail tracking number 7017-2680-0000-5750-9122 and

VIRGINIA  
In-City of Martinsville Circuit Court  
Clerk's Office.  
Received and Filed this the  
25<sup>th</sup> day of March, 2020  
at 9:50 A.M. by fax  
Testa: Cy R. Pritchett Clerk

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

**v.**

**BRIAN DAVID HILL,**  
**Defendant,**

)  
 )  
 ) **Civil Action No. CL20000089-00**  
 ) **Criminal Action No. CR19000009-**  
 ) **00**

)  
 )  
 )  
 )  
 ) **Affidavit/Declaration by Roberta**  
 ) **Hill in support of Brian David**  
 ) **Hill's "Motion for writ of error**  
 ) **coram vobis"**

**Affidavit/Declaration by Roberta Hill in support of**  
**Brian David Hill's "Motion for writ of error coram vobis"**

I, Roberta Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

My son, Brian Hill, and I were exposed to carbon monoxide for about a year in 2018-2019. A fireplace company came out to our home in January 2019 and found that the chimney was completely covered up with tin. He said that carbon monoxide was flowing into both of our apartments. My son started to talk about how he had trouble thinking. I began to feel tired all the time and I was having trouble thinking, as well. After the tin was taken off of our chimney, we began to start feeling better and after about a year we recovered from the symptoms of carbon monoxide exposure.

Brian told me that he doesn't remember all that happen on the early morning of September 21, and he told me that he blacked out. At the time, I was wondering



if he had an insulin reaction, but now I believe that he was exposed to a lot of carbon monoxide that night.

In December 2017, I started receiving cards in the mail by an anonymous person or people from Nashville, TN. This person sent a card with a threat in May 2018. No police officer ever asked about these cards, despite the fact that Brian told the police officers that we had received a threat in the mail.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 24, 2020.

Signed,

Roberta Hill  
310 Forest Street, Apt. 1  
Martinsville, Virginia 24112

Filed with the Honorable Circuit Court of Martinsville, this the 24<sup>th</sup> day of March, 2020.

Signed,

Brian D. Hill (Pro Se)  
310 Forest Street, Apt. 2  
Martinsville, Virginia 24112

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of March, 2020, I caused this "Affidavit/Declaration of Roberta Hill in support of Brian David Hill's



“Motion for writ of error coram vobis” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

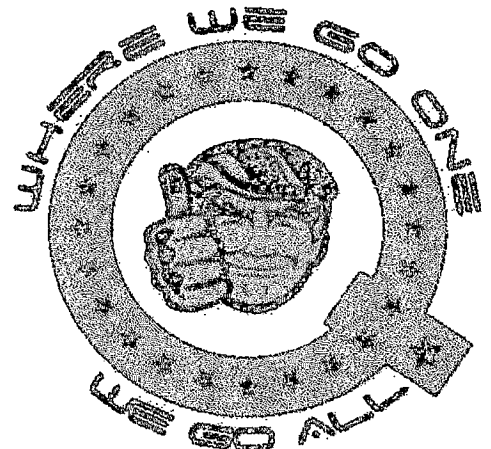
Brian D. Hill  
*Signed*

**U.S.W.G.O.**



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*





3/24/2020 7:18:57 PM

From: Brian David Hill

Fax ID: 276-790-3505

Page 4/ 4

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (http://www.ventafax.com)  
Transmission ticket for Fax ID: 276-790-3505

Date: 3/24/2020

Number of pages: 3

Attn.: Glen Andrew Hall, Esq.

Recipient's number: T1-276-403-5478

Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Declaration of Roberta Hill Error Correction: Noirginia Court (2)Signed (2020-03-24).tif

File description: Declaration of Roberta Hill for Coram Vobis Virginia Court (2)Si

Recipient's Fax ID: 12764035478

Rate: 14400 bps

Time: 6:53:54 PM

Session duration: 3:35

To: Commonwealth Attorney

Message type: Fax

Resolution: 200\*200 dpi

Record number: 8116

VIRGINIA  
In City of Martinsville Circuit Court  
Clerk's Office.

Received and Filed this the

25<sup>th</sup> Day of March 2020  
at 9:50 AM by fax  
Testa: Ashby R. Pritchett Clerk

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
Plaintiff,

v.

BRIAN DAVID HILL,  
Defendant,

Civil Action No. CL20000089-00  
Criminal Action No. CR19000009-00

Affidavit/Declaration by Roberta Hill in support of Brian David Hill's "Motion for writ of error coram vobis"

Affidavit/Declaration by Roberta Hill in support of Brian David Hill's "Motion for writ of error coram vobis"

I, Roberta Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

My son, Brian Hill, and I were exposed to carbon monoxide for about a year in 2018-2019. A fireplace company came out to our home in January 2019 and found that the chimney was completely covered up with tin. He said that carbon monoxide was flowing into both of our apartments. My son started to talk about how he had trouble thinking. I began to feel tired all the time and I was having trouble thinking, as well. After the tin was taken off of our chimney, we began to start feeling better and after about a year we recovered from the symptoms of carbon monoxide exposure.

Brian told me that he doesn't remember all that happen on the early morning of September 21, and he told me that he blacked out. At the time, I was wondering

3/25/2020

1:18:47 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/9

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

v.

**BRIAN DAVID HILL,**  
**Defendant,**

Criminal Action No. CR19000009-00

Letter to Clerk

Letter to Clerk

Hon. Ashby R. Pritchett, Clerk  
 Phone: 276-403-5106  
 Fax: 276-403-5232  
 55 West Church Street, Room 205  
 P.O. Box 1206  
 Martinsville, VA 24114

I, Brian D. Hill, file this short letter notifying the Clerk and the Court of Appeals of Virginia that the criminal case of "Commonwealth of Virginia v. Brian David Hill" is being challenged on two different civil cases with evidence attached to both petitions in those civil cases. Since it is under direct appeal, the Court of Appeals should be informed that there are two civil cases that are challenging the final judgment on November 15, 2019 in the Circuit Court and/or the final judgment on December 21, 2018, in the Martinsville General District Court.

**Writ of Habeas Corpus** – Filed: 11/18/19, Case no. CL19000331-00, Appealed on 11/20/19 to Court of Appeals of Virginia but was transferred to Supreme Court of Virginia, Appeal still pending

**Writ of Error Coram Vobis/Nobis** – Filed: 03/16/20, Case no. CL20000089-00, Case active and pending in Circuit Court



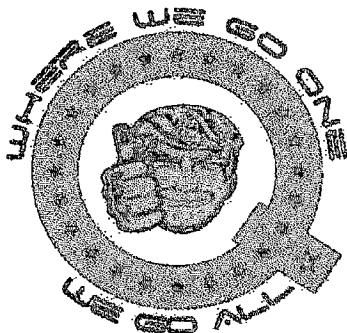
I want to make sure that the Court of Appeals and the record of the criminal case is made aware that there are two pending civil cases asking for relief against the final judgment in this criminal case. With the coronavirus COVID-19, it may be more difficult to notify the Clerk's office in the Court of Appeals since it is in Richmond, Virginia, and uncertainty that the letter would even be delivered during these times of lockdown. However since any new pleadings cause an addendum to the Court of Appeals, this short letter should be notice to both Courts that two civil cases connected to this criminal case are pending either by timely direct appeal or still pending in the Circuit Court.

Filed with the Honorable Circuit Court of Martinsville, this the 25<sup>h</sup> day of March, 2020.

Signed,

Brian D. Hill  
*Signed*

**U.S.W.G.O.**



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of March, 2020, I caused this "Letter to Clerk" to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney's Office of Martinsville (Fax #276-



403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

Brian D. Hill  
*Signed*

**U.S.W.G.O.**



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*



[Return to Case](#)[Main Menu](#)[Logoff](#)

**Martinsville Circuit - Civil Division**  
Pleadings/Orders Detail

**Case Number:** CL19000331-00

Filed	Type	Party	Judge	Book	Page	Remarks
11/18/19	Writ Of Habeas	PLT				WHC:
11/20/19	Final Order	ERH	GCG			ORDER TO DISMISS
11/20/19	Appeal Notice	ERH				NOTICE OF APPEAL
11/25/19	Motion					MOT TO RECONSIDER
11/25/19	Order	ERH	GCG			DENYING MOT TO RECONSIDER
01/14/20	Appeal Submitted/Received Confirmation	ERH				
01/14/20	Other	ERH				APPEAL TABLE OF CONTENTS
01/14/20	Appeal Submitted/Received Confirmation	ERH				EMAIL CONFIRMATION
02/18/20	Transfer Jurisdiction/Venue	ARP				TRANSFER TO SUPREME COURT
03/06/20	Response	ERH				B. HILL TO LET. FROM SCV
03/09/20	Letter	ERH				PSYCHOLOGICAL EVALUATION

[Return to Case](#)[Main Menu](#)[Logoff](#)

Build #: 3.8.1.1



Name List	Pleadings/Orders	Services	Main Menu	Logoff
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Martinsville Circuit - Civil Division  
Case Details

<b>Case Number:</b> CL20000089-00	<b>Filed:</b> 03/16/20
<b>Filing Type:</b> Petition	
<b>Number of Plaintiffs:</b> 0001	<b>Number of Defendants:</b> 0001
<b>Commenced By:</b> Initial Filing	
<b>Bond:</b>	<b>Complex Case:</b>

If there are more than three plaintiffs or defendants as indicated under "Number of Plaintiffs" or "Number of Defendants" in the table above, please contact the court for the additional party information.

**Plaintiffs**

Plaintiff: **COMMONWEALTH OF VIRGINIA**  
Trading as:  
Attorney:

**Defendants**

Defendant: **HILL, BRIAN DAVID**  
Trading as:  
Attorney:

**Hearings**

#	Date	Time	Type	Room	Duration	Jury	Result
---	------	------	------	------	----------	------	--------

**Date Ordered To Mediation:**

**Final Disposition**



- **Judgment:**
- **Final Order Date:**
- **Appealed Date:**
- **Concluded By:**

Name List

Pleadings/Orders

Services

Main Menu

Logoff

Build #: 3.8.1.1

[Return to Case](#)[Main Menu](#)[Logoff](#)

**Martinsville Circuit - Civil Division**  
**Pleadings/Orders Detail**

**Case Number:** CL20000089-00

Filed	Type	Party	Judge	Book	Page	Remarks
03/16/20	Initial Filing	PLT				WCN:
03/19/20	Other	ERH				ENDORSEMENT OF FILING
03/19/20	Affidavit	ERH				DECLARATION IN SUPPORT

[Return to Case](#)[Main Menu](#)[Logoff](#)

Build #: 3.8.1.1



3/25/2020

1:23:36 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 8/ 9

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Virginia Courts Case Information System

Page 1 of 1

[Return to Case](#)

[Main Menu](#)

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**Martinsville Circuit - Civil Division**  
**Service Details**

**Case Number:** CL20000089-00

Name	Number	Type	Hear Date	Date Served	How Served
HALL, GLEN ANDREW; ESQ	1	Petition		03/19/20	In Person/Notified In Court

[Return to Case](#)

[Main Menu](#)

[Logoff](#)

Build #: 3.8.1.1



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 3/25/2020

Number of pages: 8

Attn.: Glen Andrew Hall, Esq.

Recipient's number: T1-276-403-5478

Filename: C:\ProgramData\Venta\VentaFax &amp; Voice 6\Out\Letter to Clerk by Brian

File description: Letter to Clerk by Brian D. Hill documenting pending civil case

Recipient's Fax ID: 12764035478

Rate: 14400 bps

Time: 12:57:26 AM

Session duration: 7:04

To: Commonwealth Attorney

Message type: Fax

Error Correction: No;nding civil cases (2)Signed (2020-03-25).tif

Resolution: 200\*200 dpi

Record number: 8118

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
COMMONWEALTH OF VIRGINIA,  
Plaintiff,

v.

\_\_\_\_\_  
BRIAN DAVID HILL,  
Defendant,

Criminal Action No. CR19000009-00

Letter to Clerk

Letter to Clerk

Hon. Ashby R. Pritchett, Clerk  
Phone: 276-403-5106  
Fax: 276-403-5232  
55 West Church Street, Room 205  
P.O. Box 1206  
Martinsville, VA 24114

VIRGINIA  
In City of Martinsville Circuit Court  
Clerk's Office.

Received and Filed this the  
25<sup>th</sup> day of March, 2020  
at 9:50 AM by fax  
Testa: A. Pritchett Clerk

I, Brian D. Hill, file this short letter notifying the Clerk and the Court of Appeals of Virginia that the criminal case of "Commonwealth of Virginia v. Brian David Hill" is being challenged on two different civil cases with evidence attached to both petitions in those civil cases. Since it is under direct appeal, the Court of Appeals should be informed that there are two civil cases that are challenging the final judgment on November 15, 2019 in the Circuit Court and/or the final judgment on December 21, 2018, in the Martinsville General District Court.

Writ of Habeas Corpus – Filed: 11/18/19, Case no. CL19000331-00, Appealed on 11/20/19 to Court of Appeals of Virginia but was transferred to Supreme Court of Virginia, Appeal still pending

Writ of Error Coram Vobis/Nobis – Filed: 03/16/20, Case no. CL20000089-00, Case active and pending in Circuit Court



3/25/2020

1:18:47 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/9

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

v.

**BRIAN DAVID HILL,**  
**Defendant,**

\_\_\_\_\_

Criminal Action No. CR19000009-00

Letter to Clerk

Letter to Clerk

Hon. Ashby R. Pritchett, Clerk  
 Phone: 276-403-5106  
 Fax: 276-403-5232  
 55 West Church Street, Room 205  
 P.O. Box 1206  
 Martinsville, VA 24114

I, Brian D. Hill, file this short letter notifying the Clerk and the Court of Appeals of Virginia that the criminal case of "Commonwealth of Virginia v. Brian David Hill" is being challenged on two different civil cases with evidence attached to both petitions in those civil cases. Since it is under direct appeal, the Court of Appeals should be informed that there are two civil cases that are challenging the final judgment on November 15, 2019 in the Circuit Court and/or the final judgment on December 21, 2018, in the Martinsville General District Court.

**Writ of Habeas Corpus** – Filed: 11/18/19, Case no. CL19000331-00, Appealed on 11/20/19 to Court of Appeals of Virginia but was transferred to Supreme Court of Virginia, Appeal still pending

**Writ of Error Coram Vobis/Nobis** – Filed: 03/16/20, Case no. CL20000089-00, Case active and pending in Circuit Court

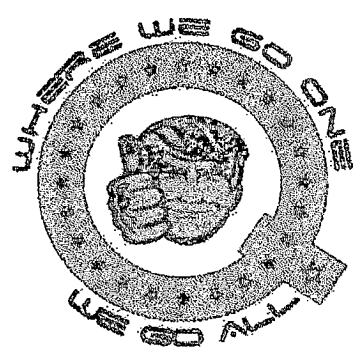


I want to make sure that the Court of Appeals and the record of the criminal case is made aware that there are two pending civil cases asking for relief against the final judgment in this criminal case. With the coronavirus COVID-19, it may be more difficult to notify the Clerk's office in the Court of Appeals since it is in Richmond, Virginia, and uncertainty that the letter would even be delivered during these times of lockdown. However since any new pleadings cause an addendum to the Court of Appeals, this short letter should be notice to both Courts that two civil cases connected to this criminal case are pending either by timely direct appeal or still pending in the Circuit Court.

Filed with the Honorable Circuit Court of Martinsville, this the 25<sup>h</sup> day of March, 2020.

Signed,

*Brian D. Hill*  
*Signed*



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505  
*Pro Se Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of March, 2020, I caused this “Letter to Clerk” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s Office of Martinsville (Fax #276-



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

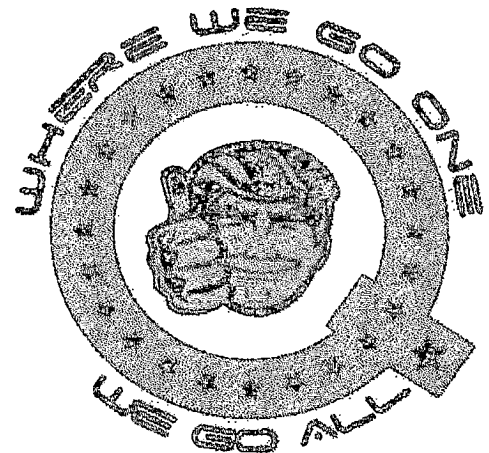
Brian D. Hill  
*Signed*

**U.S.W.G.O.**



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*



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**Martinsville Circuit - Civil Division**  
Pleadings/Orders Detail

Case Number: CL19000331-00

Filed	Type	Party	Judge	Book	Page	Remarks
11/18/19	Writ Of Habeas	PLT				WHC:
11/20/19	Final Order	ERH	GCG			ORDER TO DISMISS
11/20/19	Appeal Notice	ERH				NOTICE OF APPEAL
11/25/19	Motion					MOT TO RECONSIDER
11/25/19	Order	ERH	GCG			DENYING MOT TO RECONSIDER
01/14/20	Appeal Submitted/Received Confirmation	ERH				
01/14/20	Other	ERH				APPEAL TABLE OF CONTENTS
01/14/20	Appeal Submitted/Received Confirmation	ERH				EMAIL CONFIRMATION
02/18/20	Transfer Jurisdiction/Venue	ARP				TRANSFER TO SUPREME COURT
03/06/20	Response	ERH				B. HILL TO LET. FROM SCV
03/09/20	Letter	ERH				PSYCHOLOGICAL EVALUATION

[Return to Case](#)[Main Menu](#)[Logoff](#)

Build #: 3.8.1.1



Name List	Pleadings/Orders	Services	Main Menu	Logoff
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Martinsville Circuit - Civil Division  
Case Details

<b>Case Number:</b> CL20000089-00	<b>Filed:</b> 03/16/20
<b>Filing Type:</b> Petition	
<b>Number of Plaintiffs:</b> 0001	<b>Number of Defendants:</b> 0001
<b>Commenced By:</b> Initial Filing	
<b>Bond:</b>	<b>Complex Case:</b>

If there are more than three plaintiffs or defendants as indicated under "Number of Plaintiffs" or "Number of Defendants" in the table above, please contact the court for the additional party information.

**Plaintiffs**

Plaintiff: **COMMONWEALTH OF VIRGINIA**  
Trading as:  
Attorney:

**Defendants**

Defendant: **HILL, BRIAN DAVID**  
Trading as:  
Attorney:

**Hearings**

#	Date	Time	Type	Room	Duration	Jury	Result
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**Date Ordered To Mediation:**

**Final Disposition**



- **Judgment:**
- **Final Order Date:**
- **Appealed Date:**
- **Concluded By:**

Name List

Pleadings/Orders

Services

Main Menu

Logoff

Build #: 3.8.1.1

[Return to Case](#)[Main Menu](#)[Logoff](#)

Martinsville Circuit - Civil Division  
Pleadings/Orders Detail

**Case Number:** CL20000089-00

Filed	Type	Party	Judge	Book	Page	Remarks
03/16/20	Initial Filing	PLT				WCN:
03/19/20	Other	ERH				ENDORSEMENT OF FILING
03/19/20	Affidavit	ERH				DECLARATION IN SUPPORT

[Return to Case](#)[Main Menu](#)[Logoff](#)

Build #: 3.8.1.1

[Return to Case](#)[Main Menu](#)[Logoff](#)

**Martinsville Circuit - Civil Division**  
**Service Details**

**Case Number:** CL20000089-00

Name	Number	Type	Hear Date	Date Served	How Served
HALL, GLEN ANDREW; ESQ	1	Petition		03/19/20	In Person/Notified In Court

[Return to Case](#)[Main Menu](#)[Logoff](#)

Build #: 3.8.1.1



Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 3/25/2020 Time: 12:57:26 AM  
Number of pages: 8 Session duration: 7:04  
Attn.: Glen Andrew Hall, Esq. To: Commonwealth Attorney  
Recipient's number: T1-276-403-5478 Message type: Fax  
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Letter to Clerk by Brian Error Correction: No ending civil cases (2) Signed (2020-03-25).tif  
File description: Letter to Clerk by Brian D. Hill documenting pending civil case Resolution: 200\*200 dpi  
Recipient's Fax ID: 12764035478 Record number: 8118  
Rate: 14400 bps

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
Plaintiff,

v.

BRIAN DAVID HILL,  
Defendant,

Criminal Action No. CR19000009-00

Letter to Clerk

Letter to Clerk

Hon. Ashby R. Pritchett, Clerk  
Phone: 276-403-5106  
Fax: 276-403-5232  
55 West Church Street, Room 205  
P.O. Box 1206  
Martinsville, VA 24114

VIRGINIA  
In City of Martinsville Circuit Court  
Clerk's Office.  
Received and Filed this the  
25<sup>th</sup> Day of March 2020  
at 9:50 AM  
Teste: [Signature] Clerk

I, Brian D. Hill, file this short letter notifying the Clerk and the Court of Appeals of Virginia that the criminal case of "Commonwealth of Virginia v. Brian David Hill" is being challenged on two different civil cases with evidence attached to both petitions in those civil cases. Since it is under direct appeal, the Court of Appeals should be informed that there are two civil cases that are challenging the final judgment on November 15, 2019 in the Circuit Court and/or the final judgment on December 21, 2018, in the Martinsville General District Court.

**Writ of Habeas Corpus** – Filed: 11/18/19, Case no. CL19000331-00, Appealed on 11/20/19 to Court of Appeals of Virginia but was transferred to Supreme Court of Virginia, Appeal still pending

**Writ of Error Coram Vobis/Nobis** – Filed: 03/16/20, Case no. CL20000089-00, Case active and pending in Circuit Court

3/24/2020

7:16:13 PM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/4

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

v.

**BRIAN DAVID HILL,**  
**Defendant,**

)  
 )  
 ) **Civil Action No. CL20000089-00**  
 ) **Criminal Action No. CR19000009-**  
 ) **00**

)  
 )  
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 )  
 ) **Affidavit/Declaration by Roberta**  
 ) **Hill in support of Brian David**  
 ) **Hill's "Motion for writ of error**  
 ) **coram vobis"**

**Affidavit/Declaration by Roberta Hill in support of**  
**Brian David Hill's "Motion for writ of error coram vobis"**

I, Roberta Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

My son, Brian Hill, and I were exposed to carbon monoxide for about a year in 2018-2019. A fireplace company came out to our home in January 2019 and found that the chimney was completely covered up with tin. He said that carbon monoxide was flowing into both of our apartments. My son started to talk about how he had trouble thinking. I began to feel tired all the time and I was having trouble thinking, as well. After the tin was taken off of our chimney, we began to start feeling better and after about a year we recovered from the symptoms of carbon monoxide exposure.

Brian told me that he doesn't remember all that happen on the early morning of September 21, and he told me that he blacked out. At the time, I was wondering



if he had an insulin reaction, but now I believe that he was exposed to a lot of carbon monoxide that night.

In December 2017, I started receiving cards in the mail by an anonymous person or people from Nashville, TN. This person sent a card with a threat in May 2018. No police officer ever asked about these cards, despite the fact that Brian told the police officers that we had received a threat in the mail.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 24, 2020.

Signed,

Roberta Hill

Roberta Hill  
310 Forest Street, Apt. 1  
Martinsville, Virginia 24112

Filed with the Honorable Circuit Court of Martinsville, this the 24<sup>th</sup> day of March, 2020.

Signed,

Brian D. Hill  
Signed

Brian D. Hill (Pro Se)  
310 Forest Street, Apt. 2  
Martinsville, Virginia 24112

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of March, 2020, I caused this  
“Affidavit/Declaration of Roberta Hill in support of Brian David Hill’s



“Motion for writ of error coram vobis” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

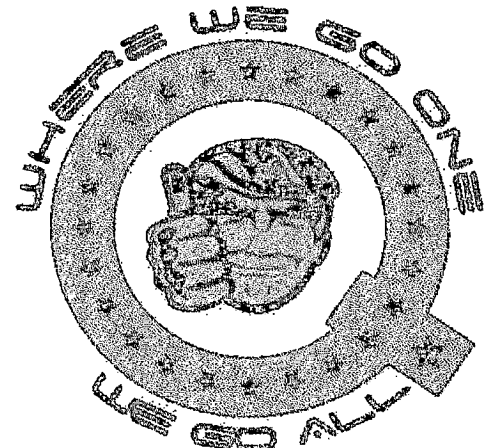
Brian D. Hill  
*Signed*

**U.S.W.G.O.**



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*





Venta Fax & Voice (http://www.ventafax.com)  
 Transmission ticket for Fax ID: 276-790-3505

Date: 3/24/2020 Time: 6:53:54 PM  
 Number of pages: 3 Session duration: 3:35  
 Attn.: Glen Andrew Hall, Esq. To: Commonwealth Attorney  
 Recipient's number: T1-276-403-5478 Message type: Fax  
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 File description: Declaration of Roberta Hill for Coram Vobis Virginia Court (2)Si Resolution: 200\*200 dpi  
 Recipient's Fax ID: 12764035478 Record number: 8116  
 Rate: 14400 bps

VIRGINIA  
 In City of Martinsville Circuit Court  
 Clerk's Office.

Received and Filed this the  
25<sup>th</sup> Day of MARCH, 2020  
 at 9:50 AM  
 Testa: By R. Pritchett Clerk

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
 Plaintiff,

v.

BRIAN DAVID HILL,  
 Defendant,

Civil Action No. CL20000089-00  
 Criminal Action No. CR19000009-00

Affidavit/Declaration by Roberta Hill in support of Brian David Hill's "Motion for writ of error coram vobis"

Affidavit/Declaration by Roberta Hill in support of  
Brian David Hill's "Motion for writ of error coram vobis"

I, Roberta Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

My son, Brian Hill, and I were exposed to carbon monoxide for about a year in 2018-2019. A fireplace company came out to our home in January 2019 and found that the chimney was completely covered up with tin. He said that carbon monoxide was flowing into both of our apartments. My son started to talk about how he had trouble thinking. I began to feel tired all the time and I was having trouble thinking, as well. After the tin was taken off of our chimney, we began to start feeling better and after about a year we recovered from the symptoms of carbon monoxide exposure.

Brian told me that he doesn't remember all that happen on the early morning of September 21, and he told me that he blacked out. At the time, I was wondering



3/25/2020

1:25:08 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/ 11

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

v.

**BRIAN DAVID HILL,**  
**Defendant,**

)  
 )  
 ) **Civil Action No. CL20000089-00**  
 ) **Criminal Action No. CR19000009-**  
 ) **00**

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 )  
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 )  
 ) **Affidavit/Declaration by Brian**  
 ) **Hill in support of Brian David**  
 ) **Hill's "Motion for writ of error**  
 ) **coram vobis"**

**Affidavit/Declaration by Brian Hill in support of**  
**Brian David Hill's "Motion for writ of error coram vobis"**

I, Brian D. Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

I did tell Martinsville Police Officer Robert Jones the truth on September 21, 2018, about what I believed had happened at the time was a guy wearing a hoodie who had said that my mother Roberta Hill would be killed if I didn't get naked and take photos of myself. At a later time I had discovered new information that had changed my suspicions and now it is clear, that carbon monoxide is what I believe had caused me to do what had happened on September 21, 2018. It would explain why I thought I was drugged. It would explain why I behaved in an unexpected and an abnormal way.

I had mailed evidence on July 20, 2019, to the Martinsville Police Department in the envelope with certified mail tracking number 7017-2680-0000-5750-9122 and



return receipt tracking number: 9590-9402-3527-7275-7497-41. It was signed for by Police Chief G. E. Cassady on August 7, 2019 2:52 pm, the date and time sourced from the U.S. Postal Service database which can be found out by having somebody check that information at the USPS website or even by me phone calling the USPS customer care number to track a package. I have the return receipt and have verified that it was G. E. Cassady due to the signature and what was written on the return receipt, and the envelope was restricted delivery.

After November 15, 2019, when the Circuit Court withdrawn my appeal in the Circuit Court, I asked Matthew Scott Thomas Clark—my Attorney to give me a copy of the case files of my state case as I was going to use those case files to fight my own case in a Writ of Habeas Corpus petition and any other means to try to overturn my wrongful state conviction since I knew that counsel was ineffective.

Then I received a lot of papers as well as the original envelope of what was mailed to Martinsville Police Chief G. E. Cassady, yes that same envelope under certified mail tracking number: 7017-2680-0000-5750-9122 and return receipt tracking number 9590-9402-3527-7275-7497-41, it was never opened up and never investigated by anybody. I was shocked that Attorney Matthew Clark had my envelope that was supposed to be disseminated to the Martinsville Police Department full of evidence including the threatening greeting card that my mother received, and cumulative evidence of carbon monoxide. I was shocked that the Police Department did not ever open the envelope to investigate any of the evidence. I was angry at Martinsville Police Department, felt like filing a complaint against them but all I can do is expose to the Martinsville Circuit Court, as well as to the Federal Court if necessary that Martinsville Police Department refused to investigate any evidence including the threatening greeting card that my mother received from Nashville, Tennessee in 2018.

I took photos of that envelope to submit to the Court as evidence for the Writ of Error Coram Vobis (Nobis). I never opened the envelope as I already had a photocopy of the entire contents of the envelope. I am keeping it sealed and in a box as evidence for use in the Writ of Error Coram Vobis (Nobis), that evidence was never investigated by Officer Robert Jones, that Martinsville Police Department was incompetent and did not do their job to protect me from criminals including those sending my mother a threatening greeting card. I was



even willing to be questioned by Martinsville Police without a lawyer to let them know about the threatening greeting card and the carbon monoxide but they didn't care.

When I was at the Federal Correctional Institution 1 at Butner, North Carolina inside of the Federal Correctional Complex during the court ordered mental evaluation from January to I believe around April of 2019, during one of the visitation times when my family visited me, my family told me around I believe in February or March, I am not sure as I am not sure if I noted the exact date of when my family told me. They told me about the carbon monoxide and I told my family that I think it had something to do with what had happened and asked them to look into it. Then they mailed me as well as stuff to forensic psychologist Dr. Dawn Graney, about the carbon monoxide damage in Apartment 2 which was my Apartment around the time that I went out to the Dick and Willie hiking trail on December 21, 2018. It talked about hallucinations as one of the symptoms of carbon monoxide exposure. The reason my family was agreeing to the bond conditions for my Federal Supervised Release Violation on May, 2019, was because they realized that it was the carbon monoxide that had caused me to do that weird stuff on September 21, 2018, from what my mother, grandma, and grandpa had told me verbally. The reason my family didn't agree with Scott Albrecht with wanting to have me out on bond in 2018 and released to my residence was because my family didn't know about the carbon monoxide and didn't understand why I was out there naked and wandering off by myself. My family was angry at me, they thought I would repeat that wandering outside behavior and didn't want me wandering out at night again. After they found out about the carbon monoxide in January 2019 as I was told, and I never repeated that behavior again, and never wandered outside at night again. I feel nothing compelling me to walk outside at night even though on September 20, 2018, late at night, something did compel me to walk outside at night wandering around and then the guy in the hoodie and that weird stuff. I felt that I absolutely had to, that strongly I felt the need to walk around outside at night, and didn't understand why I felt such a huge need to do so. I thought I was directed to do so, I thought it had something to do with the guy wearing the hoodie, I was telling the truth because at the time that was all I had to go by. That was all I could think of as reason why I was out on September 21, 2018.



Now that I am aware of the carbon monoxide evidence, the white residue in my fireplace and what was in my mother's fireplace, now I understand why I did what I did on September 21, 2018. I am not expecting the Commonwealth Attorney and the Police to ever believe me, but the more proof I can get it gives me clarity to understand that it was not my fault why I ended up naked on the Dick and Willie hiking trail on September 21, 2018. I apologize for it, I will never do it again, but I did not break the law and I believe what Scott Albrecht had originally told me was correct, that I was technically legally innocent of indecent exposure because of not being obscene and not having the intent to do such. Anytime I tell an average person about my story about the carbon monoxide and what happened on the Dick and Willie trail, they understand and knowing that at night nobody of the public in their right mind is going to be out walking the trail and no children walks that trail at night, at least the night that I was on that trail to my knowledge nobody in their right mind will walk that trail all alone, they feel that I didn't try to do something with criminal intent when they hear of my story. The average person understands that people who get drunk on alcohol, drugs, or is on a substance or gas, might do something crazy and unexpected. That person might run around naked like somebody being addicted to Bath Salts. Yeah I have read articles in the past of people that taken bath salts running around naked and eating the flesh of somebody when on Bath Salts. However I was never on any of that, I was never taking Bath Salts and never tried that. Just saying an example here. There are examples of those who were caught naked in public while on a drug, alcohol, substance, or even a gas that can mentally drive somebody crazy. I told my family in 2018 that I thought I was drugged from that night on September 21, 2018, I had black outs, when I was first arrested in Martinsville City Jail I kept just wanting to sleep and had pain. It was painful even getting up. I wasn't thinking straight and at times I had acted crazy like during one time screaming in the cell and at other times cussing out the jail guards and cussing out Martinsville Police. I had never acted like that in my life. When I had operated USWGO Alternative News I was polite to the police and was doing my job as an investigative journalist for alternative media but that was such a long time ago, from 2009 to 2012 that I had operated USWGO Alternative News. It was like I threw caution to the wind and did not care about consequences. Carbon monoxide, who knows what kind of damage it was doing to me. It can cause brain damage too. My mother had told me verbally that she worries that she may have



brain damage from the carbon monoxide. She didn't use to need reading glasses until after being exposed to carbon monoxide, her eyes have gotten worse and mine has as well. The carbon monoxide does something to the brain and possibly the nerves.

I did also try to fax information about my situation to the Fire Marshal's Office and they did not ever respond to my fax. I feel like nobody wants to investigate this and that nobody cares to even do so.

So if Glen Andrew Hall, the Commonwealth Attorney of Martinsville, Virginia, argues that the police never found a guy wearing a hoodie, they wouldn't even question my mother about the threatening greeting card and never asked for my mother to turn it over to them. I am aware of this because my mother still has the original anonymous threatening greeting card and the other anonymous greeting cards from Nashville, Tennessee. Anybody sending threats anonymously through the Postal Service is likely committing a federal or state crime. For the Martinsville Police refusing to ever question me and to ever question my family, and just have the court appoint me lawyers that were all ineffective, I felt abandoned by our justice system, **I felt abandoned by our Police Department.** As a citizen of Martinsville, it is my right and duty to report crimes and mail evidence to the Police, but they have failed me and my family. What a tragedy!

**I will NEVER trust Martinsville Police Department ever again, I will no longer call them again for anything important as that they are incompetent, ineffective, and don't investigate any crimes I may report to them.** They won't listen to me so why should I waste my time calling them during an emergency. Instead I will call the FBI as they might do something more about me reporting the crime than Martinsville Police Department. **I don't trust them, they betrayed me and my family, and they ignored evidence, and allowed me and my mother to be a victim of a threatening greeting card and never asking to see the cards.**

I was shocked that the envelope to the Police Chief was in the possession of Attorney Matthew Clark who kept begging me and my family to withdraw my appeal without telling me of the consequences I faced and the rights I would lose by doing such. Matthew Clark is unconstitutionally ineffective. Matthew Clark betrayed me and family too. The deputy Clerk at the Martinsville Circuit Court told me in regards to the attorney fees on November 15, 2019, that it doesn't



include the fees that Matthew Clark may charge me for withdrawing my appeal and accepting the decision of the General District Court. That is cold and cruel, and nasty for Matthew Clark to beg me to withdraw my appeal knowing that my Social Security Disability SSI disbursement would be garnished to not just pay the Commonwealth but also to the very Attorneys that told me to give up and withdraw my appeal. That was a traitorous and scummy thing to do. Matthew Clark made me so angry that I am going to have to pay his attorney fees for doing absolutely nothing to put himself on the line to actually defend me, I felt like cussing him out over the phone but refrained from doing so. I have also thought about suing him and filing a BAR complaint as well as asking my mother to write bad reviews on him for other people to see. I was so angry that Matthew Clark would sell me out and then can extort money off of that from me. It is extortion when somebody illegally demands money from you. It is unlawful to garnish SSI disability disbursements. It seems like extortion to me. I feel it is extortion and Matthew Clark didn't do anything to fight and attempt to get the case dismissed, he didn't even try to submit any evidence, didn't find any expert witness to testify. He just totally sold me out. He didn't even ask the Police Chief to accept my envelope. He didn't even try to ask the Police or Commonwealth Attorney to simply review over the evidence of threatening greeting card and carbon monoxide proof inside of the envelope. That is warped and a miscarriage of justice.

Again, I was shocked that he had the envelope and didn't even try to give it back to Martinsville Police, never told me anything about him taking possession of the envelope after it was transferred to the Commonwealth Attorney. He didn't do anything to show that I was innocent of indecent exposure, he didn't even try to establish any reasonable doubts. Reasonable doubts can be raised at a jury trial or bench trial. Carbon monoxide was a reasonable doubt. The Hospital of Sovah in Martinsville, also known as Martinsville Memorial Hospital deleted the entries from the chart and didn't do anything with the blood vials of what was drawn from my arm at the Hospital on September 21, 2018, that was not professional. That would be a reasonable doubt that laboratory tests were canceled/deleted from chart without my knowledge.



If the General District Court or any other Court was told that I was medically cleared when I was charged with indecent exposure, which is a lie and is not a fact. That is a lie, that is not a fact, that is a lie, that is lie. I cannot stand for this.

How could I be medically cleared when I had two abnormally high blood pulse readings which is Sinus Tachycardia when it is over 100 for resting blood pulse? My blood sugar appeared to have never been tested when I reviewed over my medical record for September 21, 2018. So the Hospital screwed up big time and I can prove this to the Court. They knew I had sinus tachycardia and cuts/abrasions all on my body and yet released me to jail shortly afterwards which caused me to have possibly scars and having open abrasions/cuts in Jail which of course is the worst place to have cuts and wounds. Jails have a lot of diseases and the Hospital knew I was going to jail. Then they put in the medical report for me to see my doctor the next day. They knew discharging me to Jail would prevent that from happening. How careless of Sovah Hospital!!!!!! They lied, this was medical neglect at best, who knows at worst.

It says from the medical report "Private Physician; When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care" However how could I see my private physician the next day when I was in jail? So this proves that I was not medically cleared because Sovah Hospital was incompetent and I believe had medically neglected me. The Hospital released me with Sinus Tachycardia readings, refused to complete the Laboratory tests that were ordered after drawing my blood, and they didn't even check my diabetic blood sugar even though they said I was diabetic on the medical record of the Hospital on September 21, 2018. It says from the medical record and I quote that *"04:48 28-year-old male with diabetes and autism presents for evaluation..."* The Hospital had medically neglected me and should not have cleared me for release. I plan on suing Sovah Hospital and Martinsville City Jail for medical neglect, malpractice, and medical indifference before September 21, 2018, if that is what it takes. I will sue Sovah Hospital for damages of medical neglect and such neglect causing my wrongful conviction to pay for the legal fees that Martinsville Circuit Court demands that I pay over the criminal case. They allowed my bloodwork for the Laboratory testing to be destroyed which could have exonerated me and would have been more provable than me talking about some guy wearing a hoodie. The General District Court Judge would have believed carbon monoxide



had the exculpatory evidence been preserved. The Police failed me, the Attorneys failed me. I will never trust Martinsville Police again, I will never trust a court appointed lawyer ever again, I will never trust a lawyer paid for by the Government ever again, EVER.

If Martinsville General District Court knew any of this, would they have convicted me????????????? There were Courts that were not told by the Commonwealth Attorney and not be Scott Albrecht, not told by Lauren McGarry, and not even by Matthew Scott Thomas Clark. If the truth can come out, it will be embarrassing to Martinsville Police Department, they rather the truth be buried and convict me like everyone else, like all the other poor slaves working for change each hour. It is systematic slavery by the State.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 25, 2020.

Signed,

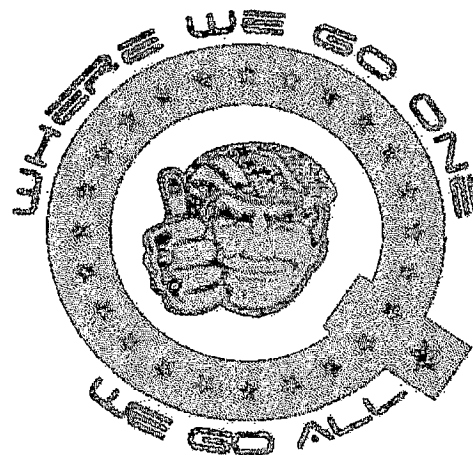
Brian D. Hill  
Signed

**U.S.W.G.O.**



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*





Filed with the Honorable Circuit Court of Martinsville, this the 25<sup>th</sup> day of March, 2020.

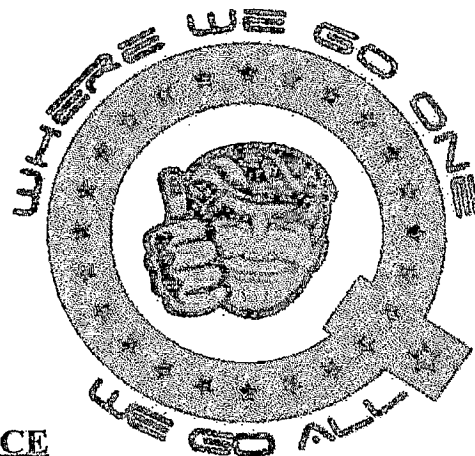
Signed,

Brian D. Hill  
*Signed*

**U.S.W.G.O.**

Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of March, 2020, I caused this “Affidavit/Declaration of Brian Hill in support of Brian David Hill’s “Motion for writ of error coram vobis” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s



Office of Martinsville (Fax #276-403-5478) and will attach proof of service  
(*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of  
service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

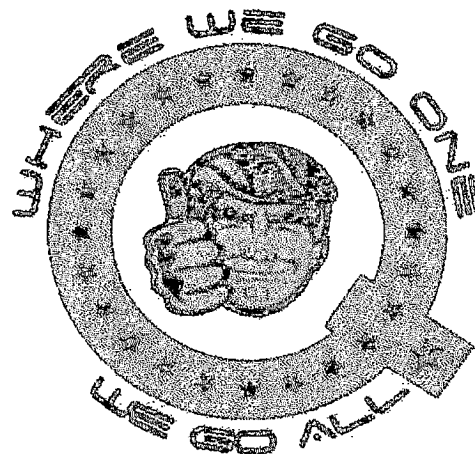
*Brian D. Hill*  
*Signed*

**U.S.W.G.O.**



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*





Venta Fax & Voice (http://www.ventafax.com)  
 Transmission ticket for Fax ID: 276-790-3505

Date: 3/25/2020 Time: 1:04:28 AM  
 Number of pages: 10 Session duration: 13:57  
 Attn.: Glen Andrew Hall, Esq. To: Commonwealth Attorney  
 Recipient's number: T1-276-403-5478 Message type: Fax  
 Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Declaration of Brian Hill Error Correction: Nojnia Court (3)Signed (2020-03-25).tif  
 File description: Declaration of Brian Hill for Coram Vobis Virginia Court (3)Sig Resolution: 200\*200 dpi  
 Recipient's Fax ID: 12764035478 Record number: 8119  
 Rate: 14400 bps

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
 Plaintiff,

v.

BRIAN DAVID HILL,  
 Defendant,

Civil Action No. CL20000089-00  
 Criminal Action No. CR19000009-00

Affidavit/Declaration by Brian Hill in support of Brian David Hill's "Motion for writ of error coram vobis"

Affidavit/Declaration by Brian Hill in support of  
 Brian David Hill's "Motion for writ of error coram vobis"

I, Brian D. Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

I did tell Martinsville Police Officer Robert Jones the truth on September 21, 2018, about what I believed had happened at the time was a guy wearing a hoodie who had said that my mother Roberta Hill would be killed if I didn't get naked and take photos of myself. At a later time I had discovered new information that had changed my suspicions and now it is clear, that carbon monoxide is what I believe had caused me to do what had happened on September 21, 2018. It would explain why I thought I was drugged. It would explain why I behaved in an unexpected and an abnormal way.

I had mailed evidence on July 20, 2019, to the Martinsville Police Department in the envelope with certified mail tracking number 7017-2680-0000-5750-9122 and

VIRGINIA  
 In-City of Martinsville Circuit Court  
 Clerk's Office.  
 Received and Filed this the  
 25<sup>th</sup> day of March, 2020  
 at 9:50 A.M.  
 Teste: G.R. Pritchett Clerk



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

v.

**BRIAN DAVID HILL,**  
**Defendant,**

\_\_\_\_\_

**Criminal Action No.**  
**CR19000009-00**

**NOTICE OF LAWSUIT****NOTICE OF LAWSUIT**

Hon. Ashby R. Pritchett, Clerk  
 Phone: 276-403-5106  
 Fax: 276-403-5232  
 55 West Church Street, Room 205  
 P.O. Box 1206  
 Martinsville, VA 24114

I, Brian D. Hill, file this NOTICE OF LAWSUIT that is to be docketed in case no. CR19000009-00, and the lawsuit is being filed against the Hon. Judge Giles Carter Greer as well as Glen Andrew Hall, Esq., Matthew Scott Thomas Clark, and Lauren McGarry. The lawsuit is being filed under 42 U.S. Code § 407 of the Social Security Act. An injunction is the intent of this lawsuit. To block this Court from demanding legal fees on November 15, 2019, to Brian David Hill. The lawsuit has been mailed out by the time you even read this letter. Brian may also file an emergency temporary injunction motion to block the legal fees demands during case pendency.

I have kindly asked the Judge to waive Legal fees or Not enforce Them under my filing MOTION TO "WAIVING LEGAL FEES", dated March 16, 2020. The Judge seems to be ignoring it as well as the motion to proceed pro se. I will not



tolerate legal-extortion against myself by Matthew Clark, Glen Andrew Hall, Lauren McGarry of the Public Defender Office, and by the order of this Court. A lawsuit is being filed and soon the Federal Court will start ordering all parties for answers to the summons including Judge Greer.

I wish I didn't have to take the time and energy to file this lawsuit against Judge Greer of this Circuit Court, but this Court has given me no other choice.

I pay \$500 rent, my SSI cannot be garnished. I am having to pay legal fees over maintaining over 5-6 federal appeals over what corrupt Judge Thomas David Schroeder is doing in North Carolina under his judicial coup d'etat in the Middle District of North Carolina. Now I have three state cases I am a party to. I am having to get other people involved to assist me in suing everybody who has done me wrong in Virginia.

Now I guess I will add federal lawsuits to my list of cases I am forced to file to protect my SSI disability. If I manage to find an attorney pro bono, then my attorney will be conducting contact with your court and other defendants' in the lawsuit your Judge will be a party to.

I am not playing around. When I make legal threats of filing lawsuits in my letters, I stand by them and show that they are well grounded in law. I am sick and tired of being a victim of judicial corruption, police corruption, prosecutorial corruption, and political corruption. I am sick of this corrupt legal system that keeps increasing my legal fees when I cannot afford to pay them. How ironic that Qanon will have to get involved with the Virginia corruption as well with the sealed indictments against all corrupt politicians. People protect their own in the corrupt system. Not a surprise to me. I have dealt with this type of corruption in the Town of Mayodan, North Carolina in 2012 when I had operated USWGO Alternative News from 2009 to 2012, now I am a victim of political/judicial corruption in Martinsville, Virginia not limited to Eric Monday and other corrupt lawyers. I am tired of this garbage. Lawsuits will commence until justice comes True Justice, not false justice.

I just want justice, I just want my life back but the prosecution will fight tooth and nail to make sure that it won't happen.

I won't let COVID-19 CoronaVirus be used as an excuse to buy the State Courts time to take away my constitutional rights then twist around to incarcerate me if I don't pay the stupid legal fees.

I am not a number, I am not an inmate either, and I am an American citizen.



Filed with the Honorable Circuit Court of Martinsville, this the 26th day of March, 2020.

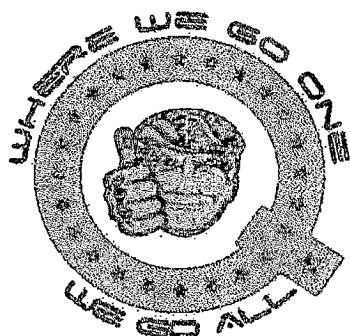
Signed,

*Brian D. Hill*  
*Signed*

**U.S.W.G.O.**

Brian David Hill –  
 Ally of Qanon  
 Founder of USWGO  
 Alternative News  
 310 Forest Street, Apt.  
 2 Martinsville,  
 Virginia 24112  
 (276) 790-3505

*Pro Se Appellant*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of March, 2020, I caused this “Letter to Clerk” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
 Martinsville Commonwealth's Attorney's Office  
 55 West Church Street  
 Martinsville, Virginia  
 24112  
 (276) 403-5470  
*Counsel for Plaintiff*



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Signed,

Brian D. Hill  
*Signed*

**U.S.W.G.O.**



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*



**LAWSUIT ATTACHED**



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

Roanoke Division

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Brian David Hill

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Glen Andrew Hall, et al.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT AND REQUEST FOR INJUNCTION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Brian David Hill (nicknamed as "USWGO")

Street Address

310 Forest Street, Apartment 2

City and County

Martinsville/Henry-County

State and Zip Code

Virginia 24112

Telephone Number

276-790-3505

E-mail Address

No Email Address

**U.S.W.G.O.**

Brian D. Hill - Ally of QANON

WWG1WGA - Q-Intel - Drain the Swamp MAGA

JusticeForUSWGO.wordpress.com - INVESTIGATE!



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

**Defendant No. 1**

Name	Glen Andrew Hall, Esq., in his official capacity
Job or Title ( <i>if known</i> )	Commonwealth Attorney of Martinsville, Virginia
Street Address	55 West Church Street
City and County	Martinsville
State and Zip Code	Virginia
Telephone Number	Telephone: 276-403-5470
E-mail Address ( <i>if known</i> )	ahall@ci.martinsville.va.us

**Defendant No. 2**

Name	Giles Carter Greer, Esq.
Job or Title ( <i>if known</i> )	Judge of Martinsville Circuit Court, in his official capacity
Street Address	55 West Church Street
City and County	Martinsville
State and Zip Code	Virginia 24112
Telephone Number	Phone: 276-403-5106 (Not direct phone number but no. of Clerk)
E-mail Address ( <i>if known</i> )	cgreer@ci.martinsville.va.us

**Defendant No. 3**

Name	Matthew Scott Thomas Clark, Esq.
Job or Title ( <i>if known</i> )	Attorney, in his official capacity
Street Address	711B Starling Ave
City and County	Martinsville
State and Zip Code	Virginia 24112
Telephone Number	(276) 634-4000
E-mail Address ( <i>if known</i> )	matthewstclarklaw@gmail.com

**Defendant No. 4**

Name	Lauren McGarry, Esq.
Job or Title ( <i>if known</i> )	Martinsville Public Defender Office, in her official capacity
Street Address	10 E Main St,
City and County	Martinsville
State and Zip Code	Virginia 24112
Telephone Number	Phone: (276) 666-2206



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

E-mail Address (if known) lmcgarry@mar.idc.virginia.gov

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 U.S. Code § 407. Assignment of benefits, Eighth Amendment under the United States Constitution

### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, (name) Brian David Hill, is a citizen of the  
State of (name) Virginia.

##### b. If the plaintiff is a corporation

The plaintiff, (name) N/A, is incorporated  
under the laws of the State of (name) N/A,  
and has its principal place of business in the State of (name)  
N/A.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

#### 2. The Defendant(s)

##### a. If the defendant is an individual – Names: Giles Carter Greer, Lauren McGarry

The defendant, (name) Glen Andrew Hall, Matthew S.T. Clark, is a citizen of



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

the State of *(name)* Virginia . Or is a citizen of  
*(foreign nation)* \_\_\_\_\_ .

b. If the defendant is a corporation

The defendant, *(name)* N/A , is incorporated under  
the laws of the State of *(name)* N/A , and has its  
principal place of business in the State of *(name)* N/A .  
Or is incorporated under the laws of *(foreign nation)* N/A ,  
and has its principal place of business in *(name)* N/A .

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

The defendants' don't owe money but are attempting to unlawfully garnish the Social Security SSI benefits of Plaintiff, therefore it is a controversy of law and equity. It is a controversy involving unlawful garnishment of SSI by the defendants'.

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

On or about November 15, 2019, the Circuit Court of Martinsville, Virginia, under the order of the Hon. Judge Giles Carter Greer (Def. #2) has unlawfully ordered garnishment of Brian David Hill's social security disability disbursement income under the Supplemental Security Income, the amount totalling \$1,124.00 and possibly more as Brian David Hill continues fighting his state case under Case #: CR19000009-00, Civil Case Nos. CL20000089-00 (Writ of Coram Vobis/Nobis) and CL19000331-00 (Writ of Habeas Corpus). Direct Appeal had also been timely filed in the state case but may fail under a legal technicality. So legal fees are going to be enforced which is garnishment.

B. What date and approximate time did the events giving rise to your claim(s) occur?



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

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November 15, 2019. See Exhibit 1.

See details in "BRIEF IN SUPPORT OF COMPLAINT AND REQUEST FOR INJUNCTION".

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C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

All Defendants are involved in the use of the legal process of the Circuit Court to conduct the garnishment of Brian David Hill's SSI disability income disbursement.

See the facts described in "BRIEF IN SUPPORT OF COMPLAINT AND REQUEST FOR INJUNCTION".

---

#### IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

No monetary damages are being sought. The purpose of this complaint is to prevent the unlawful garnishment of Brian David Hill's SSI money. However if an attorney from Legal Aid or any lawyer wishes to assist and represent Brian David Hill in this case on a pro bono basis, then the lawyer may request attorney fees as a sanction for any wrongdoing.

Injury described in "BRIEF IN SUPPORT OF COMPLAINT AND REQUEST FOR INJUNCTION".

---

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. The relief specified is also in "BRIEF IN SUPPORT OF COMPLAINT AND REQUEST FOR INJUNCTION".



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Temporary injunction on the Commonwealth's garnishment of Brian David Hill's SSI money during the pendency of this case. Permanent injunction on the Commonwealth of Virginia's defendants Glen Andrew Hall, Esq., the Hon. Judge Giles Carter Greer, Matthew Scott Thomas Clark, Esq., and Lauren McGarry, Esq., barring them from attempting any garnishment or use of any legal process to garnish the SSI disability money from Brian David Hill that has any connection to the cases CR19000009-00 (criminal case), Civil Case Nos. CL20000089-00 (Writ of Coram Vobis/Nobis) and CL19000331-00 (Writ of Habeas Corpus).

*see Brief, Pg. 7*

## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 03/26/2020

Signature of Plaintiff

*Brian D. Hill*  
*Signed*

Printed Name of Plaintiff

Brian David Hill (USWGO / Ally of Qanon)

### B. For Attorneys

Date of signing: N/A

Signature of Attorney

N/A

Printed Name of Attorney

N/A

Bar Number

N/A

Name of Law Firm

N/A

Street Address

N/A

State and Zip Code

N/A

Telephone Number

N/A



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

E-mail Address

N/A

## **BRIEF IN SUPPORT OF COMPLAINT AND REQUEST FOR INJUNCTION**

Brian David Hill formerly of USWGO Alternative News ("USWGO") complains as follows against Defendant #1: Glen Andrew Hall, Esq., ("Mr. Hall"); Defendant #2: Giles Carter Greer, Esq., ("Hon. Greer"); Defendant #3: Matthew Scott Thomas Clark, Esq. ("Mr. Clark"); Defendant #4: Lauren McGarry, Esq. ("L. McGarry").

### **NATURE OF ACTION**

1. This is an action for preliminary/permanent injunction and request for temporary injunction during the pendency of this case to prevent the attempt to unlawfully garnish Brian David Hill's ("USWGO's") SSI monthly income pursuant to 42 U.S. Code § 407. "Assignment of benefits".

### **PARTIES**

2. USWGO is, and has been at all times relevant to this lawsuit, an individual who is mentally/physically disabled and lives off of Social Security Disability money from the Federal Government under the Social Security Act, with the Plaintiff's principal place of residence in Martinsville, Virginia.

3. USWGO is, and has been at all times relevant to this lawsuit, in good standing.

4. Mr. Hall, Hon. Greer, Mr. Clark, and L. McGarry is, and has been at all times relevant



to this lawsuit, identified as the Defendants' responsible for and/or is involved with the garnishment or attempt garnishment of the Supplemental Security Income ("SSI") of Brian David Hill.

5. Mr. Hall, in his official capacity as the Commonwealth Attorney of Martinsville, Virginia, is one of the parties who will receive the legal fees money out of garnishment of Brian David Hill's monthly SSI income if there is no injunctive relief. He has been at all times relevant to this lawsuit.

6. Mr. Clark, in his official capacity as the court appointed Attorney of Martinsville, Virginia, is one of the parties who will receive the legal fees money out of garnishment of Brian David Hill's monthly SSI income if there is no injunctive relief. He has been at all times relevant to this lawsuit.

7. L. McGarry, in her official capacity as the court appointed Attorney of Martinsville, Virginia, and works for the Martinsville Public Defender Office is one of the parties who will receive the legal fees money out of garnishment of Brian David Hill's monthly SSI income if there is no injunctive relief. She has been at all times relevant to this lawsuit.

8. Prosecution fees and Defense attorney fees are billed to Plaintiff USWGO in the course of a non-favorable ruling/result from state criminal case no. CR19000009-00, Commonwealth of Virginia v. Brian David Hill on November 15, 2019. That includes Lauren McGarry (Former Defense counsel), Mr. Hall (Prosecutor), and Mr. Clark (appointed Defense counsel).

9. Hon. Greer, in his official capacity as the judicial officer of the Circuit Court in



Martinsville, Virginia, which is a state court of record, is the party enforcing the garnishment of Brian David Hill's monthly SSI income if there is no injunctive relief. See the photocopy of legal filing attached hereto as Exhibit 1, his Order dated November 15, 2019. He has been at all times relevant to this lawsuit. Exhibit 1 is a true and correct photocopy of that order that was already a photocopy of the original copy that was filed in Middle District of North Carolina federal Case no. 1:13-cr-00435-TDS, under Document 221-3.

10. Hon. Greer put in an order (Exhibit 1) on November 15, 2019, demanding payment of legal fees (attorney fees) of "\$1,222.45" and possibly more not including the legal fees that could be charged by Mr. Clark, there is no restitution and no fines that were imposed with the exception of only charging the legal fees and attorney fees out of a non-favorable ruling in the state criminal case of "Commonwealth of Virginia v. Brian David Hill," case no. CR19000009-00, in the Circuit Court of Martinsville. Efforts have been made by USWGO to attempt to fight the wrongful conviction in the state case. One such measure was the Writ of Habeas Corpus petition that USWGO had filed on November 18, 2019. See DECLARATION of BRIAN DAVID HILL in Opposition of Documents # 157 and # 200 . (Attachments: # 1 Supplement 1, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13, # 15 Exhibit 14, # 16 Exhibit 15, # 17 Exhibit 16, # 18 Exhibit 17, # 19 Envelope - Front and Back)(Daniel, J) (Entered: 11/20/2019) in Middle District of North Carolina federal Case no. 1:13-cr-00435-TDS. That contains a photocopy of the entire state Writ of Habeas Corpus. That matter was dismissed on November 20, 2019 by Hon. Greer and was timely



appealed that same day to the Virginia Court of Appeals who transferred the appeal to the Supreme Court of Virginia under record no. 200267, case name entitled: "Brian David Hill v. Commonwealth of Virginia". As to the other petition for requesting relief in the state criminal case. A Writ of Error Coram Nobis was filed. It was entitled Writ of Error Coram Vobis as Virginia is one of the only Commonwealth states that still uses the term "Vobis" instead of "Nobis". See the photocopy of legal filing attached hereto as Exhibit 2, a true and correct photocopy of the Writ that was filed, and the copy was verified as a true and correct copy by the deputy Clerk. See the last page for verification. Brian David Hill ("USWGO") had been trying to fight his wrongful conviction and if succeeding then he will not be compelled to pay the attorney/legal fees of the state criminal case referenced thereto. However the motions/petitions requesting relief is not delaying nor suspending the Exhibit 1 order for USWGO to pay the legal fees. If Brian doesn't pay the legal fees starting on the date of May 15, 2020, the Hon. Greer may order the collection enforcement of paying such legal fees through an enforcement action aka an "other legal process" through collection enforcement by and through the State/Commonwealth of Virginia. Such legal process is unlawful under Title 42 U.S. Code § 407.

11. Well-established case law says that the state cannot use "execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law" to garnish SSI disability money. Quote from 42 U.S. Code § 407. Assignment of benefits: "(a) In general: The right of any person to any future payment under this subchapter shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights



existing under this subchapter shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.” Citing Washington State Dep’t of Social & Health Servs v Guardianship Estate of Keffeler, 537 US 371; 123 S Ct 1017; 154 L Ed 2d 972 (2003), the Court stated that an “other legal process (1) requires utilization of some judicial or quasi-judicial mechanism; (2) by which control over property passes from one person to another; (3) in order to discharge or secure discharge of an existing or anticipated liability.” Here, a judicial mechanism was used (i.e., a restitution order) to secure a discharge of Alexandroni’s existing liability. Further, if the trial court used its contempt power to cause her to satisfy the restitution it would be “use of a judicial mechanism to pass control over those benefits from one person to another.” Thus, although the trial court properly determined the SSDI benefits were “income,” its use of its contempt powers would constitute an “other legal process” in violation of 42 USC 407(a). That is so, the court reasoned, even though a contempt order does not “touch a contemtor’s money directly,” but instead coerces the compemtor to comply. The Court concluded by stating that an actual contempt order would violate 42 USC 407(a), but the “mere specter of a contempt hearing” would not necessarily be an “other legal process.” Additionally, the Court found, the restitution order itself remained valid, and the trial court could make further determinations as to Alexandroni’s ability to pay from other sources of income. That case law applies to restitution but USWGO owes no restitution, but the legal argument and logic is exactly the same. Using any “legal process” to force the payment of legal fees to pay both the prosecution and defense lawyers violates the law. Unless USWGO has any income that is liquid assets, any income that is not protected by



federal statute, the Circuit Court through Hon. Greer and others has no right to order garnishment of Brian David Hill's SSI money through the execution of legal process.

12. USWGO filed a motion compelling the Hon. Greer of the Circuit Court to not enforce or waive the legal fees involved in the criminal case. See Exhibit 3, attached thereto is a true and correct copy of USWGO's "Motion for Waiving Legal Fees or Not Enforcing Them". It was filed in the Circuit Court on March 16, 2020. As far as March 25, 2020, the motion has not been acted upon by the Judge. It just sits there in the court filings while no action is being taken. All possible remedies attempted have been exhausted by inaction by the State Court and is not stopping the Hon. Greer and other defendants' from collectively demanding the legal fees from Brian David Hill through the Hon. Greer and through garnishment of his only source of income of SSI which is garnishment. That is unlawful under statute.

### JURISDICTION

13. This Court has jurisdiction over the subject matter and the parties under the Social Security laws of the United States, 42 U.S. Code § 401 et seq., as well as jurisdictional provisions of 28 U.S.C. § 1331. Since the garnishment of USWGO's SSI disability money is garnishing his only source of income as a disabled American citizen, it may also constitute cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution barring cruel and unusual punishment.

14. Brian David Hill is a lawful citizen of the United States and his Social Security disability money is the subject of garnishment by the Hon. Greer and other defendants'.

15. On or about November 15, 2019, Hon. Greer willfully put in an order demanding



payments from Brian David Hill or he will be jailed by collection enforcement even after knowing that Brian David Hill's only source of income is his SSI disability which is protected under federal law, under the federal supremacy clause.

16. Despite USWGO filing his "Motion for Waiving Legal Fees or Not Enforcing Them" on March 16, 2020 (Exhibit 3), on or about March 25, 2020, Hon. Greer has taken no action, and continues to permit the enforcement of the garnishment of USWGO's disability income under SSI.

17. USWGO owns no car, has no business license, and has never worked a job a day in his life, and his only source of limited income money is his SSI disbursement.

18. The focal point of the garnishment and/or attempt to garnish is in Martinsville, Virginia.

19. The only geographic location that is associated with, and related to, the garnishment is Martinsville, Virginia.

20. The order to garnish USWGO's only source of income was originally ordered by Hon. Greer where such garnishment will pay the legal fees of Mr. Hall, L. McGarry as her official position for the Martinsville Public Defender Office, and Mr. Clark.

21. Mr. Clark knew that USWGO's disability money would be garnished if he was compelled or coerced to withdraw his appeal and accept the decision of the General District Court.

22. L. McGarry knew that USWGO's disability money would be garnished if he was compelled or coerced to withdraw his appeal and accept the decision of the General District



Court.

23. Mr. Hall knew that USWGO's disability money would be garnished if USWGO was compelled to withdraw his appeal and accept the decision of the General District Court.

24. At all times relevant to this lawsuit, the order to garnish USWGO's SSI disability money occurred and continues to occur in Martinsville, Virginia.

25. Hon. Greer's attempt to order the garnishment and defendants' benefit of such attempt to garnish Brian David Hill's disability money was and is purposefully directed at Brian David Hill ("USWGO") of Martinsville, Virginia.

26. The harm caused by the order of Hon. Greer which will garnish USWGO's SSI, was experienced, in Martinsville, Virginia.

### VENUE

27. The United States District Court for the Western District of Virginia is an appropriate venue, pursuant to 28 U.S. Code § 1391, because Hon. Greer, Mr. Clark, L. McGarry, and Mr. Hall is subject to personal jurisdiction in Martinsville, Virginia, in the Western District of Virginia.

28. The United States District Court for the Western District of Virginia is an appropriate venue, pursuant to 28 U.S.C. § 1391(b)(2) and 1391(b)(1), because all actions of such garnishment and a substantial part of the events giving rise to the claim for relief are situated in Martinsville, Virginia.

### FACTS

29. Brian David Hill is mentally/physically disabled. Proof of such is on federal court



filings in the Western District of Virginia. The proof is noted below:

- i. See Exhibit 1 — Document #23, Attachment #1, Brian David Hill v. Executive Office for United States Attorneys, et al. Case no. 4:17-cv-00027, District Court, W.D. Virginia
- ii. See Exhibit 2 — Document #23, Attachment #2, Brian David Hill v. Executive Office for United States Attorneys, et al. Case no. 4:17-cv-00027, District Court, W.D. Virginia
- iii. See Exhibit 1 — Document #2, Attachment #1, Brian David Hill v. Executive Office for United States Attorneys, et al. Case no. 4:17-cv-00027, District Court, W.D. Virginia

30. For many years Brian David Hill (“USWGO”) has been living off of SSI disability as his only source of income. USWGO has never owned any stocks, his no 401Ks, and has no liquid assets under the law. USWGO has never worked a job and never had an employer. USWGO has voluntarily operated USWGO Alternative News at uswgo.com from 2009 to 2012 as his own expense as a hobby blog exposing political corruption and writing articles to get the truth out. However USWGO Alternative News was never in any way to make any money and was not an employment. It disappeared in 2012 after Brian David Hill was framed and set up. Still nevertheless again argues that USWGO is disabled and never made any money, even off of his hobby blog from 2009-2012.

31. Brian David Hill is permanently disabled due to his Autism Spectrum Disorder,



Obsessive Compulsive Disorder (OCD) and Type 1 brittle Diabetes.

32. The Exhibit 1 order demanding that Brian David Hill pay the legal fees in the state criminal case was originally filed on or about November 15, 2019.

33. As long as Brian David Hill can remember, USWGO has always received SSI disability as his only source of income money from the Federal Government under the Social Security Administration.

34. On or about March 25, 2020, Hon. Greer continues his order to push for garnishing USWGO's disability money with the benefit going to the other defendants' in the case.

35. USWGO is on a tight budget, pays \$500 rent and the monthly SSI is at \$783 a month. That leaves \$283 dollars a month after rent. Also anywhere between \$0-\$100 a month of his SSI goes towards fighting his federal criminal case in the Middle District of North Carolina, the appeals in the U.S. Court of Appeals for the Fourth Circuit, and the state appeals as well as his state civil cases. He is fighting to overturn his federal criminal conviction in the Middle District of North Carolina on the ground of actual innocence, as well as fighting for to be acquitted of his state charge and conviction on November 15, 2019, which caused the demand for legal fees. State case is being fought against over the ground of legal innocence.

36. Hon. Greer does not have legal authorization/authority under federal law for moneys paid or payable or rights existing under this subchapter of Social Security law "shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law".

37. The Commonwealth of Virginia through its Commonwealth Attorney Glen Andrew



Hall ("Mr. Hall) does not have legal authorization/authority under federal law for moneys paid or payable or rights existing under this subchapter of Social Security law "shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law".

**CLAIM FOR RELIEF: GARNISHMENT OF BRIAN HILL'S SSI DISABILITY**

38. USWGO repeats and realleges the allegations set forth in Paragraphs 1 through 37 above.

39. Brian David Hill ("USWGO") is under legal protection under federal law from any kind of legal extortion and/or garnishment and/or demand for legal fees, pursuant to 42 U.S. Code § 407.

40. Brian David Hill is legally disabled and is qualified under Social Security Act federal law to receive Supplemental Security Income for USWGO's proof of disability that is within the custodian of records within the Social Security Administration.

41. Brian David Hill holds the legal right to protect himself from garnishment, levy, execution, and any other legal process that can be used to compel USWGO against his will to pay the legal fees, pursuant to 42 U.S. Code § 407(a).

42. If any or all of USWGO's SSI disability money is garnished by any or all of the defendants' against Brian David Hill ("USWGO"), then this subjects him to cruel and unusual punishment of depriving Brian David Hill of life, liberty, pursuit of happiness, and of his protected federal benefits without due process of law. It deprives Brian David Hill of being able to live his life as any garnishment, even in installments, makes it more difficult if not



impossible for USWGO to live without going into debt as USWGO cannot live on his limited monthly income if even a portion of it is taken away by judicial order of Hon. Greer and any of his agents, officers, clerks, deputy clerks, and/or the other defendants' who benefit off of this unlawful garnishment and legal extortion.

43. The order under Hon. Greer (See Exhibit 1) in derogation of Brian David Hill's protected SSI monthly benefits under 42 U.S. Code § 407.

44. Hon. Greer and other defendants' demand over \$1,000 and possibly increasing in legal fees in derogation of Brian David Hill's protected SSI monthly benefits under 42 U.S. Code § 407.

45. Despite the Motion to Waive Legal Fees or Not Enforce Them that USWGO filed under the attached Exhibit 3, Hon. Greer continues to permit the order that will result in garnishment of USWGO's disability SSI disbursement, in derogation of Brian David Hill's protected SSI monthly benefits under 42 U.S. Code § 407.

46. Hon. Greer has willfully engaged in an order (Exhibit 1) which will require the garnishment of USWGO's disability money which is his only source of income from the Federal Government.

47. Mr. Clark knew that begging USWGO to withdraw his appeal would cause a demand that USWGO pay legal fees and has willfully contributed to Hon. Greer's order (Exhibit 1) to pay Mr. Clark's legal fees which will require the garnishment of USWGO's disability money which is his only source of income from the Federal Government.

48. Lauren McGarry ("L. McGarry") knew that begging USWGO to withdraw his appeal



would cause a demand that USWGO pay legal fees and has willfully contributed to Hon.

Greer's order (Exhibit 1) to pay Martinsville Public Defenders Office legal fees which will require the garnishment of USWGO's disability money which is his only source of income from the Federal Government.

49. Glen Andrew Hall ("Mr. Hall") knew that USWGO had ineffective counsel in his state criminal case by his various pro se filings in his state criminal case and pro se appeals but continued the case with forcing USWGO to have ineffective counsel to cause a demand that USWGO pay legal fees and has willfully contributed to Hon. Greer's order (Exhibit 1) to pay the prosecution's---Mr. Hall's legal fees which will require the garnishment of USWGO's disability money which is his only source of income from the Federal Government.

50. The Defendants' acts as alleged herein, and the ongoing direct results of those acts, have caused and will continue to cause irreparable harm to Brian David Hill ("USWGO") in an amount USWGO cannot ascertain, leaving USWGO with no adequate remedy at law. The state courts ignore his pro se filings, so USWGO has no remedy at the state-level to stop the demand for legal fees which will garnish USWGO's disability money from the Social Security Administration which is protected from garnishment. Any state civil case he files requires paying a hefty filing fee. So even to fight in the state for any remedy requires garnishment from his SSI if any of his family members do not directly pay the filing fee of the State to open up another state case asking for judicial relief.

51. Unless all Defendants' including the Honorable Judge Giles Carter Greer is preliminarily and permanently enjoined from any further legal course, legal process, or any



execution legal attempt to garnish Brian David Hill's protected SSI disability money which is his only source of income, USWGO will be irreparably harmed, and Brian David Hill ("USWGO") is thus entitled to preliminary and permanent injunctive relief against further means to garnish Mr. Brian David Hill's SSI disability money, pursuant to 42 U.S. Code § 407.

### **PRAYER FOR RELIEF**

USWGO requests that this Court grant USWGO's claim for relief herein as follows:

1. Preliminarily and permanently enjoin and restrain Defendant Hon. Greer, and Defendant Hon. Greer's officers, agents, clerks, deputy clerks, servants, employees, attorneys, related companies, partners, and all persons acting for, by, with, through, or under Defendant Hon. Greer, from directly or indirectly garnishing or even attempting to garnish the Supplemental Security Income ("SSI") of USWGO, or ordering, directing, participating in, or assisting in any such activity;
2. Direct Hon. Greer to suspend/set-aside his order on November 15, 2019 demanding the legal fees be paid for by Brian David Hill with threat of Brian David Hill going to jail through collection enforcement by the Commonwealth of Virginia which is extortion and through Defendant Mr. Hall, or modify his order to only order that his Court garnish any moneys/assets made outside of his SSI disability that is not protected under federal/state law;
3. That if Brian David Hill is to have made any money in the future not protected under 42 U.S. Code § 407 or any other federal or state statute protecting Government benefits from garnishment, then the Hon. Greer can be allowed to pursue payback of legal fees of that money, upon any evidence found constituting as such. The Court should only be allowed to garnish



liquid assets and money not protected under federal law from garnishment;

4. Award or declare that Brian David Hill's SSI benefits not be garnished by any or all Defendants' including Hon. Greer and that USWGO cannot be compelled at threat of going to jail for failure to garnish his own SSI disability monthly limited income; and

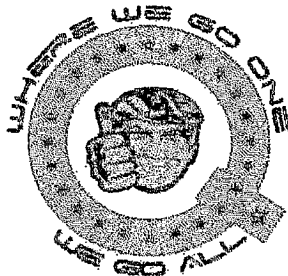
5. Grant USWGO such other relief as this Court deems appropriate.

### DEMAND FOR JURY TRIAL WAIVED

USWGO waives request for jury trial as the Social Security Act lawsuit is more of an administrative judicial procedure under the law.

Dated this twenty-sixth day of March, 26, 2020.

Respectfully filed with this Court, this the 26th Day of March, 2020.



BRIAN DAVID HILL, Pro Se

*Brian D. Hill*  
*Signed*

Brian David Hill – Ally of Qanon  
310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505

**U.S.W.G.O.**

### REQUEST by PLAINTIFF Brian David Hill ("USWGO") TO THE CLERK TO SERVE PROCESS ON ALL PARTIES DOCUMENTED

Brian David Hill files an accompanying "APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Long Form)" and requests to proceed In Forma Pauperis in this case.

After the Motion for In Forma Pauperis status has been granted by the Court, Brian David Hill requests that the Clerk or any other officer serve process on all parties to this case pursuant to Rule 4(c)(3) of the



Federal Rules of Civil Procedure and 28 U.S. Code § 1915.

Citing Rule 4(c)(3) of the Federal Rules of Civil Procedure: "(3) By a Marshal or Someone Specially Appointed. At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. §1915 or as a seaman under 28 U.S.C. §1916."

And

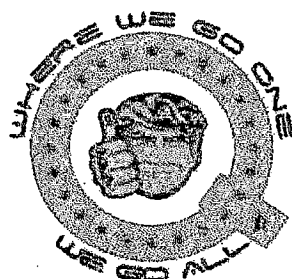
Citing 28 U.S. Code § 1915: "(d) The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases."

The request by Plaintiff to the Clerk/Court serve all parties shall satisfy CERTIFICATE OF SERVICE and/or SERVING THE SUMMONS as required by the Federal Rules of Civil Procedure.

**BRIAN DAVID HILL, Pro Se**

Brian D. Hill  
*Signed*

Brian David Hill – Ally of Qanon  
310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505



**U.S.W.G.O.**

7019 1120 0002 2623 6273

**U.S.W.G.O.**

Brian D. Hill - Ally of QANON

WWG1WGA - Q-Intel - Drain the Swamp MAGA

JusticeForUSWGO.wordpress.com - INVESTIGATE!



FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 03/26/2020 @09:33:09 by fax

TESTE: R. Hanner  
CLERK/DEPUTY CLERK

CIRCUIT COURT CLERK'S OFFICE  
**City of Martinsville**  
POST OFFICE BOX 1206  
MARTINSVILLE, VIRGINIA 24114-1206

ASHBY R. PRITCHETT, CLERK



March 26, 2020

Brian David Hill  
310 Forest Street  
Apartment 2  
Martinsville VA 24112

RE: Receipt of Letter

Mr. Hill:

I received your Letter to Clerk, dated March 25, 2020 by FAX yesterday

Per your request, I am making the Supreme Court of Virginia aware that there are two pending civil cases asking for relief against final judgment in the criminal case.

I have done this by transmitting electronic images of the documents received by FAX to the Court of Appeals for Virginia, where your criminal case appeal is being considered, through the portal provided between trial and appellate court for this purpose.

Ashby R. Pritchett, Clerk



3/28/2020 2:17:07 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/ 13

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

v.

**BRIAN DAVID HILL,**  
**Defendant,**

\_\_\_\_\_  
 \_\_\_\_\_

Criminal Action No. CR19000009-00

Letter to Clerk

Letter to Clerk

*March 28,*  
*2020*

Hon. Ashby R. Pritchett, Clerk  
 Phone: 276-403-5106  
 Fax: 276-403-5232  
 55 West Church Street, Room 205  
 P.O. Box 1206  
 Martinsville, VA 24114

I, Brian D. Hill, had my family check OCIS and they saw an entry titled "FROM CLERK TO DEFENDANT", some kind of letter. I haven't yet received this letter but I hope it isn't something bad. So I want to clarify some things.

1. I wasn't trying to serve the summons through fax. I know the U.S. Marshals will serve the lawsuit papers with all parties for my lawsuit. If that is the issue here, I am sorry I kinda sent that because I am a little upset about being expected to pay legal fees when the whole state judicial system is no longer working correctly anymore.

Something has gone terribly wrong with our judicial system and I haven't even got a college degree in sociology. However I am seeing things going in Virginia's



legal system that isn't constitutional and is in direct rebellion with the spirit of our nation's founding fathers.

I filed the direct appeal in the criminal case, then Glen Andrew Hall said some lies and a bunch of garbage in a fraudulent response brief when I haven't even filed any brief in that appeal, defrauding the court, and then I receive a letter from the Appeals Court suspending my right to file my petition for appeal. I file a motion to proceed pro se and to sanction Glen Andrew Hall and those are ignored for weeks and weeks without remorse. I fax a similar motion to the Circuit Court asking to represent myself and that is ignored by the Judge. The lawsuit I had filed initially may be the only means to force this Court to get rid of this horrible deadweight of a lawyer who is now being used as a corrupt mechanism to ruin my appeal and increase my legal fees beyond likely \$2,000. So I am being punished over and over again for trying to prove my innocence here. That isn't right. The Courts are supposed to be innocent until proven guilty but now it is I am considered guilty until I prove myself factually innocent in every aspect which is impossible for the indigents. Those that can hire the best lawyers before your Court can win their cases and get justice, but I didn't get justice and this terrifies me. This state case has been nothing but a nightmare from the very beginning, a nightmare I cannot wake up from every single day I live on this earth.

My attorney ignores any message or phone call from me. He won't talk to me, he won't respond to my letter asking to withdraw himself from the case. The Court won't let me get rid of my lawyer and won't let me represent myself.

I have basically no choice but to sue the Courts and to sue the attorneys and the judges because **I am stuck in a hamster wheel moving forward everyday but yet getting nowhere in this hamster wheel** of judicial corruption that never ends. I feel like a slave to your State, like a Plantation slave like the Africans were before the abolition of slavery. The poor people are slaves in your State courts and jails. It is a warehouse for the poor who cannot afford a good lawyer to fight back. When people fight pro se, all pro se materials are ignored. Evidence is ignored, motions are ignored, and witnesses are ignored. They only listen to the prosecution. It isn't just in this Court, but in the Federal Court system they deny every one of my motions, suspend my Habeas Corpus and refuse to accept my actual innocence like in the state Court.

I have suffered enough damage from the carbon monoxide. I had a gash in my head with blood pouring out of it and blood was all over the floor on November,



2017, the EMT had to be called, 911 had to be called, and my blood cell counts and MPV counts were all abnormal from that laboratory test including Sinus Tachycardia for the resting blood pulse. My lawyer didn't want to bring any of this up for the jury trial. Since November, 2017 to the day I was arrested on September 21, 2018, I have dealt with carbon monoxide poisoning. The hospital destroyed the blood vials which is why I can't determine the levels as Lauren McGarry made me get in order to even want to defend me. She wouldn't defend me otherwise as a lawyer. That was why I worked to get rid of Lauren McGarry. I thought Matthew Clark would be better. Then when I first met him he seemed okay. Then after Judge Thomas David Schroeder revoked my supervised release and refused to wait for the state court appeal trial de novo, then Matthew Clark acted different and said that it wouldn't matter whether I win the state case or not and then started begging my family every time we met for me to withdraw my appeal and accept the decision in the General District Court. So then I was sick of it and started asking my family to get me a private lawyer so we browsed around and got appointments. We found McPheeters but unfortunately his office was right beside of the office of Lauren McGarry of the Public Defender Office. They seemed to be good buddies with each other and that is concerning for somebody trying to get an independent and good decent lawyer. At first he told my family that I had a chance to win because I wasn't being obscene and can win based on the case law I gave him. About a week later after my family gave him a check, he acted nervous like something bad was going on, kept typing on his cell phone and acted jittery. He gave me that impression. Then he said Lauren McGarry spoke to him about my criminal state case, and she told him lies. She told him that I was posting on a blog about her and defaming her and acting as though there was a conspiracy going on. I never said anything about a conspiracy. I don't operate the JusticeforUSWGO.wordpress.com blog. I promote it because my friends and family post about my criminal case on it trying to show the American people what is going on in my case as my friends and family fight for justice in the federal court for me to be acquitted of my conviction in 2014. I am not allowed to use the internet. My family and friends post on there, it is their blog trying to expose the judicial corruption and bring justice to me, and end all of the nightmare in the federal criminal case and hoping I have justice in the state case. However my friend Laurie had posted about Lauren McGarry possibly having a father or family member who is the General District Court Judge (referring to Hon. James R. McGarry) as they are both with the same last name of McGarry in such a locality. My family told me that they will email Laurie asking her to remove that blog post



and it was removed early on. Despite the very short time that post was there and removed from my family concerned about that post and some others, Lauren McGarry was still upset about that old post and that Laurie removed that information from the blog post by Laurie Azgard. She told McPheeters when that violates attorney ethics, she violated confidentiality and she talked about my case in a bid to get him to not want to represent me cheaply at my family's expense to get rid of Matthew Clark. McPheeters accused me of running some kind of political stunt or political game with him. What kind of game was I running? I just wanted a lawyer who would fight for me. McPheeters kept mumbling over and over that he doesn't want to get involved in this and gave my grandparents the check back to them. He cowardly fled from my state case. So we went to other private attorneys and they either said that indecent exposure is a technical guilt just for me being naked, or that even innocent people have to falsely plead guilty. One lawyer from Rocky Mount told me that the Feds were "BS", yes he actually cussed out the Federal Courts, and he said that he had even innocent people falsely plead guilty in Circuit Court, and said that Glen Andrew Hall is a bad lawyer and acted as though he was afraid of Glen Andrew Hall. Another one said that if I even accuse Glen Andrew Hall of misconduct that I would face a contempt charge, that was a private lawyer in downtown Martinsville warned me not to even accuse Glen Andrew Hall of fraud for any lies or wrong information, told me what the law was but then my family did research and the law was the opposite of what that lawyer told me and my family. None of them want to risk challenging Glen Andrew Hall, like they were afraid of him and even admitted he is a bad lawyer, well at least a few of them and the rest just seemed to out of the blue want to walk away. The assistant for Matthew Clark's office also works for McPheeters. The same assistant that worked at Matthew Clark's office saw me at McPheeters office so he knew that I was looking for a better lawyer that my family was willing to pay at least enough for me to be acquitted of indecent exposure. After about 3 or 4 lawyers refusing to fight for me but was still willing to take their money but wasn't willing to fight for me. I gave up, I had withdrawn my appeal and accepted the decision in the lower court last year, that was how corrupt it all was. No lawyer wanted to fight for me. I gave similar testimony in a fax to the Governor's office about the McPheeters situation and letting him know how corrupt the group of Martinsville area lawyers are and that I will never get a fair trial in the City of Martinsville so I filed a petition for an absolute pardon for my actual innocence.



Now you at the Clerk's office know the whole story why I am filing the very things I'm filing. I am angry but I am trying to keep myself as disciplined as possible, trying to keep my cool in my filings with your Court but every motion I file is either ignored or denied. I feel like there is no hope in this Circuit Court, there is no hope in the Virginia Court of Appeals. I feel there is no hope in any of our courts because they all operate the same way. If one doesn't pay for a lawyer at the very beginning, then they are doomed to being convicted. It is about the money, it is about the convictions. Every case every motion I file is either ignored or denied. Attorneys don't seem to want to fight anymore. My mother asked Lauren McGarry about how I am not dangerous, that I am less dangerous than Jeffrey Epstein and he got treated away better than me in the legal system but it fell on deaf ears. I have Autism and am a virgin, yet Jeffrey Epstein raped and molested hundreds of young girls and only got 13 months in prison in the private wing of the jail like essentially a motel, and he got to leave jail for work release to work a regular job and raped another woman, he raped a model, and that was okay that he raped her because it was Jeffrey Epstein, and prosecution didn't even arrest him, he was told by law enforcement kindly to turn himself in, and he did. I wasn't given the same kind of treatment by law enforcement. A serial child rapist with political connections as far as Prince Andrew and Bill Clinton and Bill Gates, and he got better treatment in the legal system than I ever had in my life. It was also okay for Bill Cosby to rape women because he was Bill Cosby. I never raped anybody and was treated worse than both Bill Cosby and Jeffrey Epstein. My mother asked Lauren McGarry about "What about reasonable doubt in a jury trial" and she explained that it doesn't matter the way she said it, reasonable doubt doesn't matter anymore. There is no reasonable doubt in jury trials anymore.

Now for the carbon monoxide,

The ceiling was coming down in my Apartment, the wall was looking like it was about to come down with tears coming down the wall near my fireplace. White residue, and I had to live in my home under those dangerous CO gas conditions every single day until I wandered off towards the middle of the night on September 20, 2018. Then I met this guy in the hoodie who threatened to kill my mother and then I took my clothes off and took photos of myself. It was as simple as that. It was in the middle of the night. Something compelled me to leave my home, I didn't even tell my mother that I was leaving at night to go walking. I went walking in the middle of the night, got naked at night on September 21, 2018. I never had this urge to wander off from home alone before. I felt like I couldn't



think, I couldn't focus on fighting my federal criminal case anymore, I couldn't even want to do any work. I thought it was the stress of my federal case, the anxiety. I was wrong about all that. I kept sleeping on my mother's couch and my mother had to have talks with me about sleeping in my bed instead of the couch but I kept going back up and sleeping on her couch because I couldn't even bother to finish my OCD hand washing and body washing techniques. I didn't know that my mother's fireplace was actually a really bad spot for the carbon monoxide before my fireplace. My cats started acting funny. A stray cat that we adopted, named Angel Hill who was fixed at the SPCA, she was real sweet and loving to me and my mother. Just like her son Houdini Hill, a Russian blue cat. After November, 2017, that winter Angel started hissing at me and maybe even growling at me. She kept running from me and I started getting angry and followed her and she kept hissing at me and I hissed back at her, this went on for months into 2018 and I was wondering why she was acting weird like that, complaining to my mother about her weird change of behavior. I was frustrated that she would be so loving and then started to turn on me. I told my mother I thought she was going senile and was having Alzheimer's. Then months go by and she gets to points she was a little improved but then keeps hissing at me. Then her son Houdini started running away from me and when my mother had me in her computer room with Houdini he started acting crazy while looking at me, like he was in a room with some monster beast from hell. He was literally looking like I was not human but something that was scary to him. He was refusing to eat anytime he saw me, he started running under the bed and even scratched my mother anytime she wanted to get him to calm down. Then his sister Tiger Hill, a tabby cat, started running away from me thinking it was some kind of play game. Then around July or August, Angel ran out to the road and got hit by a car and her guts splattered all on the road with her eyes bugging out. I didn't even recognize her. I thought maybe she was killed by some cat killer as she always had street smarts. However shortly after she had died I was arrested on September 21, 2018 for indecent exposure. On July 31, 2018, Carillion Clinic did lab work and got some abnormal blood readings. Dr. Balakrishnan was wondering why but I was arrested and he never got to find out.

When I came back to my home when the Federal Court released me on bond on May 14 or 15, 2019, my cats Houdini and Tiger acted differently but better. Houdini was loving to me and didn't try to run at all. He let me pet him, and he purred. Tiger was missing me. So months after Pete Compton removed the metal tin as he told my family as my family told me, the cats acted better. Houdini was



not afraid of me at all. We are bros and have been bros since 2019, he acts like my furry brother, my friend. In 2018, the cats kept begging as much as possible to leave the home, but in 2019 to 2020, the cats like being out and in, and in some cases even will stay in even when it is warm outside when they normally would love to go outside. So the cats are also different on that too. Once the carbon monoxide source, the metal tin was removed from my apartment, things were different.

You want to know why I am so angry with the legal system, because I have suffered 9 months of federal imprisonment, 3 months of imprisonment in Martinsville City Jail, a state conviction, this case being dragged out for multiple years over a misdemeanor, thousands of dollars of damage my mother had to repair in my Apartment and other misc. things like roofing repair just to later find out that it was carbon monoxide, and then the legal fees on top of that with a threat of me facing jail-time if I don't pay. My Japanese umbrella antique that I had bought from the Antique Emporium that was once open in downtown Martinsville started coming apart with black stuff in the umbrella because it was near the fireplace, the source of the carbon monoxide. This carbon monoxide led to one of me and my mother's cats, killing herself on Forest Street, right around 310 Forest Street. She always watched out for cars, especially when she was a stray cat. She knew the roads and always stayed clear of cars but then in July or August decided to kill herself on the road to the point where her tongue was sticking out and her eyes were buggy. Just like when I fell, hit my head, then walked to my bed while unconscious, and blood was all over the floor, blood on my pillow, 911 was called, and EMT showed up and took photos of the bloody gash on my head. My OCD and mental state was so bad, I begged the EMT workers to not let me go to the hospital until I did my OCD body washing and hand washing routine which took four hours before I was in the Emergency Room. Blood was pouring out while I was washing myself to satisfy my OCD routine, even my grandparents were there at the house and my mother was begging me to just stop my routine and go to the hospital but I got upset if I didn't finish my routine and kept on with my routine.

The carbon monoxide messed me up real good.

I am ashamed that Matthew Clark didn't try harder. He didn't even do anything. All he did was tell me to withdraw my appeal and didn't bother to tell me that I would have to pay over \$1,000 of legal fees.



Now you know why I had to start this lawsuit, this whole charge of indecent exposure never would have happened had the carbon monoxide never happened. I swear this under penalty of perjury, I swear this upon every grave of my ancestors, I swear upon my honor and dignity. Glen Andrew Hall took things too far, whether he is a bully or just someone getting paid to convict people and meet the quotas. My mother in late 2018 didn't even want to see me at the beginning of my stay in the Martinsville City Jail but again she was also under carbon monoxide. She kept complaining that her parents had more energy than she did and they are elderly. My mother's vision has gotten worse since the carbon monoxide. She cannot read anything with text without glasses. She used to be able to read computer text without glasses. I cannot read restaurant menus that are on the walls anymore without having to go closer towards them right up to the counter. I used to be able to read them further away.

I don't understand why I get bad decisions from both the state Courts and the Federal Courts. I wish I knew about the carbon monoxide, then none of this would have ever happened, I never would have been naked on the Dick and Willie hiking trail on September 21, 2018, I never would have left my home. Something made me go out of my home at night, something made me want to leave my home. The only explanation I can tell the Court was that I believe it was carbon monoxide. My family knows and understands this.

Then Martinsville Police refusing to open up the envelope with the evidence and that was terrible. When Matthew Clark gave me his case files through his assistant at his office, I saw the envelope that I mailed under restricted delivery to Chief G. E. Cassady of Martinsville Police Department. All of that evidence, the medical papers with the carbon monoxide proof, research reports from Government sources that are credible like the CDC and the NIH and all other credible sources. I had good proof of carbon monoxide just not the levels which required the blood vials drawn from me on September 21, 2018, but the Police Department refused to accept it and gave the envelope to Glen Andrew Hall and then Mr. Hall gave it to Matthew Clark. Matthew Clark never told me about my envelope to Martinsville Police being in his custody until I find out myself after I withdrawn my appeal. I felt so embarrassed and ashamed. I felt so upset at the time but I had to turn myself into the Federal Prison Hospital in Kentucky in December, 2019, so I couldn't do anything more about the state case until a later time.



Despite the bond conditions, I have never even went back to the Dick and Willie trail, I am afraid to even want to be there because it gives me bad memories. I don't want my PTSD or any bad feelings to act up and I feel anxiety and fear. So I stay away from that trail and I and my mother hike other hiking trails. I don't want to step one foot on that trail because I get bad memories.

I hope that you understand Ashby Pritchett. I am not trying to be mean or disrespectful but I have to be honest about how I feel about the way my case was handled in your Court's judicial system. It wasn't handled the right away. My defense lawyers weren't brave enough to fight for me and at least raise two to three reasonable doubts and the fact that I wasn't being obscene and that I had no intent, thus the Government never had the proof of the elements necessary to be able to convict me according to Clarksburg, WV Mayor Edward Ryan Kennedy who is also my court appointed federal appellate lawyer over my supervised release violation that stemmed from my state charge beginning in the General District Court, this case. That court appointed lawyer was the only court appointed lawyer that actually fought for me the best to his abilities. He said that Virginia never had the evidence and elements to prove me guilty of indecent exposure and that even under a preponderance of the evidence, that they still did not meet its burden. However Matthew Clark didn't want to talk with Edward Ryan Kennedy the Mayor from Clarksburg, West Virginia. Matthew Clark didn't want to hear Kennedy's perspective on my indecent exposure. Maybe Matthew Clark would have changed his mind but he didn't. Only wanted me to withdraw my appeal.

My state criminal case has been tainted with such constitutional structural defects, at this point I was never legitimately convicted, no matter what the laws of Virginia are or were. To the Constitutional scrutiny, I don't think I was ever legitimately convicted of indecent exposure. Spoliation of evidence, ineffective counsel, Police refused to investigate any evidence, Hospital never did lab-work and never tried to find out why I had sinus tachycardia two times for resting blood pulse while at the Hospital before I was arrested. They never checked my blood sugar. Medical records don't lie, and I have them.

There were a lot of things the Circuit Court did constitutionally wrong. Eric Clark my legal friend warned me that Municipal Courts are not legitimate Article III constitutional courts and I just thought he was referring to places like Las Vegas, Nevada. There were a lot of things constitutionally wrong with my state criminal case. There were no transcripts furnished of any hearings in the Circuit Court that



are on record, my lawyer failed to do anything and allowed the Police and the Hospital to destroy evidence forever, spoliation of evidence, any evidence that would have given me a better chance to win the jury trial. Almost every one of my pro se motions were ignored and one or two was denied and were never adopted or endorsed by Matthew Clark. I filed a motion to dismiss and it could have prevailed but again the Attorney did nothing. Once evidence was destroyed that was exculpatory in my favor, it helped Glen Andrew Hall had a better chance at winning. No matter what evidence I filed, Judge Greer didn't seem to care about any of it. It was if the carbon monoxide never existed even though there is evidence of carbon monoxide, but it is ignored as if there is no such thing at all.

Ashby Pritchett, I don't know what to do at this point. I can sit there and let all my hard work, my Writs and my motions all be denied or ignored in this Circuit Court, or I had to file one federal lawsuit and may have to file more if it will invalidate my wrongful conviction in this state court. I may try a Bivens claim under Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971). I am trying to weigh my options here as to what suits may need to be filed to invalidate the state conviction since I feel I have no remedy no matter what I file in the state court. I feel lost and feel like no matter what I do I am in a perpetual hamster wheel getting nowhere, like I am a slave, a second class citizen. I don't know what to do your Honor. I don't know what to do Glen Andrew Hall, it seems justice is never in my favor no matter what evidence I file, no matter what Motions I type up, no matter what case law I have, I feel like nothing I file in the state case will ever mean anything other than just be another filing on record, that is it. Just papers piling up in the hundreds and don't mean anything. That is sad. That is very sad.

I am sorry for the lawsuit, but I don't know what else to do, something has gone entirely wrong with our judicial system. The police aren't the good doers that used to exist, it is all part of a corrupt mechanism now. We are in a fixed system that sociology teaches us in College. The system is designed so that we never get ahead in life unless we cheat, steal, and do wrong. Satanists get ahead in life, but the regular people do not. The FreeMasons get ahead in life, the regular average people do not. Corruption is the only way people get ahead and become powerful in our systems of Government, and that has been all I have ever seen. I am seeing less and less honesty in our Governments. It scares me. I don't know who to trust anymore. This makes me paranoid and for good reason. Nothing makes any sense anymore.



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Now you know why I promote Qanon, why I support Qanon. I want Donald John Trump, to fix the corrupt system and drain the swamp. I support his plan for mass arrests all over America during the CoronaVirus pandemic. I support his plan for martial law and shutting down our corrupt state and federal courts and arrest people across the country for high treason and political corruption. I support the idea of Trump starting martial law soon and fixing our courts in the state and the feds. Qanon is my only hope now. I don't see a need to keep fighting tooth and nail in our courts just to see them ignore, deny, deny, deny, deny, deny, ignore, and deny. I am sorry Ashby Pritchett, this Circuit Court has failed me and cannot bring me justice under Giles Carter Greer. The justice system has failed me. There is no justice, as V for Vendetta says. "There is something terribly wrong with this country," and we the people elected Donald Trump so that we wouldn't have to have a civil war or revolution to end the mass political corruption all over America that we are slaves and indebted too, the corrupt central banking cartels, the elites,, the Bilderbergs, the FreeMasons, and Illuminati, and other corrupt factions like the Clintons and the Bushes and the Obamas. At this point I just sit and wait for Qanon, for John Durham, for William Barr, for Donald Trump and the rest of the patriots to start making their arrests with the sealed indictments, fix the FBI and replace them with good honest people. Then the local and state corruption can finally be arrested and those arenas can be fixed, then the Courts will be about justice again. All I ever wanted was justice, that was all I ever wanted Ashby Pritchett and Glen Andrew Hall and Hon. Giles Carter Greer. There is no justice. I wait for Q to fix this country. I sit and wait, longing for justice. I've no faith in this system. I have no faith in this Court. I have no faith in the Police here.

Filed with the Honorable Circuit Court of Martinsville, this the 28th day of March, 2020.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 28, 2020

Signed,

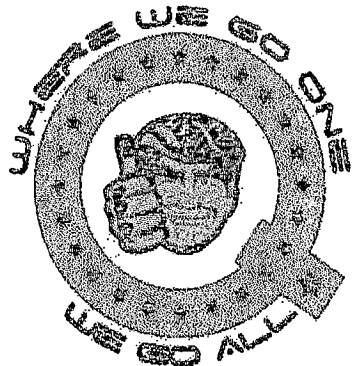
Brian D. Hill  
Signed

**U.S.W.G.O.**

Brian David Hill –  
Ally of Qanon



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court



Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28th day of March, 2020, I caused this "Letter to Clerk" to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney's Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

Brian D. Hill  
*Signed*



Brian David Hill –  
Ally of Qanon



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court



Founder of USWGO  
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310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*



FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 03/30/2020 @11:20:51

TESTE: *Jennifer C. Geln*  
CLERK/DEPUTY CLERK

*By Fax*



3/30/2020 7:45:07 PM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/ 33

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

v.

**BRIAN DAVID HILL,**  
**Defendant,**

\_\_\_\_\_

Criminal Action No. CR19000009-00

**Emergency Motion to discharge**  
**the Legal fees**

**Emergency Motion to discharge the Legal fees or Emergency Motion to**  
**Reconsider the Legal Fees and discharge them**

Hon. Ashby R. Pritchett, Clerk  
 Phone: 276-403-5106  
 Fax: 276-403-5232  
 55 West Church Street, Room 205  
 P.O. Box 1206  
 Martinsville, VA 24114

And Hon. Giles Carter Greer  
 Phone: 276-403-5106  
 Fax: 276-403-5232  
 55 West Church Street, Room 205  
 P. O. Box 1347 (Judges)  
 Martinsville, VA 24114

I, Brian D. Hill, file this emergency motion asking this Court to discharge all legal fees from my debt to the Commonwealth of Virginia. I owe no restitution, I have



no victims, and my attorneys Matthew Scott Thomas Clark, Lauren McGarry, and Scott Albrecht have all failed me in successfully defending me from my charge.

The claims and attached evidence in my earlier filed MOTION for "WAIVING LEGAL FEES" that was filed on 03/16/2020 is also asserted as evidence in support of this emergency motion.

I am still considering filing a Chapter 7 or Chapter 13 bankruptcy petition asking to discharge the legal fees since they are only attorney fees for both Glen Andrew Hall, Matthew Clark, and Lauren McGarry as well as Scott Albrecht.

My only charge was being outside on a hiking trail at night while having a psychiatric episode. The mental evaluator on November, 2018, who evaluated me in the General District Court was not aware of Dr. Conrad Daum diagnosing me as having a psychosis in October, 2018. Neither was the mental evaluator aware of the carbon monoxide and that the Martinsville Memorial Hospital failed and refused to conduct the laboratory tests after drawing the blood from Brian David Hill on September 21, 2018, which was irresponsible of medical staff and negligence. They also knew I had Sinus Tachycardia and refused to do anything about that before releasing me to jail when jails have the reputation of providing the worst medical care.



I attach a single exhibit of the application to proceed In Forma Pauperis that was filed in the federal lawsuit that I had filed on Friday, March 27, 2020. That IFP motion was granted even though the Judge dismissed the Social Security Anti-Garnishment lawsuit I had filed quickly to protect my SSI disability from being garnished but such fees was not to pay any restitution since none was ordered but only the legal fees of both the prosecution and defense attorneys which does not help any supposed victims of crime as I have no victims. I also was legally innocent according to Mayor of Clarksburg, West Virginia and my federal appellate lawyer Ryan Edward Kennedy. He saw the nude photographs of me, he reviewed over the case files and the transcript, and he still said that I was innocent of indecent exposure. It is wrong to charge me any legal fees at all. That is my second Exhibit attached to this motion, the legal arguments of Attorney Kennedy stating that the Government did not oppose the claim that I was not being obscene and had no intent to being obscene and therefore I did not violate Virginia law to begin with. Attorney Kennedy was actually more effective and fought for me compared to Matthew Clark who betrayed me and will get money from my SSI out of betraying me which will hurt me forever.

That form I filled out was pretty accurate but the costs of mailing out envelopes to manage all of these different federal and state appeal cases that resulted from my



wrongful state conviction on November 15, 2019 and charge on September 21, 2018, all because of me and my mother being a victim of carbon monoxide gas.

I have to report to this court that I have no liquid assets and that forcing me to pay the legal fees because I had bad lawyers like Matthew Clark, Lauren McGarry, and Scott Albrecht wasn't as bad as the others but was still ineffective counsel.

**Forcing me to pay such legal fees constitutes cruel and unusual punishment under the Eighth Amendment of the United States Constitution and takes away my right to life, liberty, and the pursuit of happiness.** I cannot live

without my monthly income benefits of SSI from the Federal Government. Federal Courts don't make me pay any legal fees for not winning a criminal case because they know poor disabled people don't have the money compared to middle class and rich people. You can't get blood from a turnip.

I had to file a federal lawsuit on March 27, 2020, because I am being coerced at threat of jail time if I don't pay the attorneys' fees causing my SSI to be transferred from me to the Court as well as to Matthew Clark and Lauren McGarry and those ineffective counsel that didn't do anything to actually defend me. Scott Albrecht had argued that I wasn't being obscene and that I didn't make any sexual remarks and never actually approached people to where they say things like for example:



“oh my god”. However he was still ineffective as to why I had to originally file a notice of appeal to the Circuit Court.

I have never repeated such behavior after I was arrested because on or around January, 2019, the metal tin was removed from the chimney flue causing the natural gas fumes to be able to vent out of the chimney. Both the hot water heater and furnace are fueled by Natural Gas. I use nothing but warm water every time I wash my hands and wash my clothes with warm water. I take anywhere between 10 minutes to an hour every time I do my hand washing routine and body washing routines which include multiple showers in a day. I take on average anywhere between 1 to 3 showers a day. In 2018, I had taken an hour or almost an hour on every routine. Roberta Hill is witness to that. All of that causes gas fumes to attempt to vent up through the chimney but the metal tin blocked all of that. My mother does not have Autism Spectrum Disorder and was never actually diagnosed as to having such. I have Autism Spectrum Disorder. The carbon monoxide can affect me differently. Officer Robert Jones did not understand Autism and he may never will. The carbon monoxide affects my brain differently because my brain is already disabled to a certain degree. That was why I had wandered away from my home while my mother was not. The gas can affect each person differently. The attorneys could have made a jury understand all of this but they were too afraid to



want to actually fight for me. Total oppose of Mayor Attorney Ryan Edward Kennedy from Clarksburg, West Virginia. He showed Matthew Clark up.

You got to understand that there was no intent to indecent exposure. There were no plans of such, there was no diabetic insulin and no blood glucose monitor in the backpack that was examined by Officer Robert Jones, there were no things that I would normally walk outside with like my black digital camera that I always use. There is no intent and no intent was ever proven in the General District Court.

I again offer as exhibit attached to this motion, my copy of my filed Affidavit to proceed In Forma Pauperis and then the reply by Attorney Ryan Edward Kennedy the Mayor of Clarksburg, West Virginia. It was granted by the Judge. However the form I filled out was to average out what the monthly spending was. Things are different each month. Like one month I paid over \$10 (It can be anywhere between \$10 to \$20) for shoes, one month I pay for multiple packs of paper for my legal filings. This month I had to buy some shirts because of a hole in one of my shirts. I am having to replace stuff. My legal filings cannot be predictable even in my affidavit of being indigent. Like how out of the blue the Fourth Circuit U.S. Court of Appeals dismisses two of my appeals which I thought wasn't right and asked for Petition for Rehearing. Each legal mailing I can mail out with certified mail can get costly. It can be on average \$10-\$15 per mailing with priority mail, the paper, the ink cartridges, making photocopies of evidence



necessarily for sending proofs to the court. I will admit under oath that about at the end of the month I run out of money of my SSI disability and then wait until the next month when my SSI Direct Deposit to buy more things that I need.

This court has to understand, to even make me pay in installments will force me into Credit Card Debt and then I will have to declare bankruptcy. All over an indecent exposure charge that I am legally innocent of according to attorney Ryan Edward Kennedy a Mayor of Clarksburg, West Virginia, and he did see the nude photos off me and still argued my technical legal innocence. Even the Assistant U.S. Attorney Anand Prakash Ramaswamy, who I had proven had defrauded the Court in my federal criminal case, even he did not dispute Attorney Kennedy's claim that I was not being obscene and/or did not have the intent to be obscene thus I did not violate Virginia law.

**"For example, the government does not dispute that there was no evidence of Appellant making any sexual remarks, being aroused, masturbating, or enjoying his conduct, sexually or otherwise."** – That should tell Matthew Clark and Glen Andrew Hall and this Court that I should never have been convicted of indecent exposure in the first place.

WHY is an Attorney and Mayor from West Virginia doing better at defending me than Matthew Scott Thomas Clark who lied to my family and betrayed me and my



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

family by not telling us that I would be liable for thousands of dollars of legal fees at garnishment of my SSI disability money????????????????????????????????

The whole conviction is not constitutionally valid, it is structural defect. This Court did not validly convict me under Constitutional merit. I don't understand how things have gone as far as they have been. I don't understand why all of this is happening to me, why keep getting bad luck. Did I really anger the Deep State Swamp that much that they will coming after me and targeting me and make my life a living hell and torment.

Please just let this go and please discharge my legal fees and not require me to pay them. Thank You!

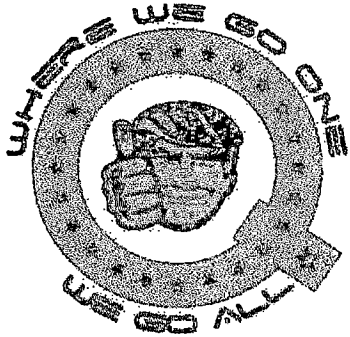
Filed with the Honorable Circuit Court of Martinsville, this the 30th day of March, 2020.

Signed,

Brian D. Hill  
Signed

**U.S.W.G.O.**

Brian David Hill –  
Ally of Qanon



Founder of USWGO  
Alternative News  
310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of March, 2020, I caused this  
“Emergency Motion to discharge the Legal fees or Emergency Motion to Reconsider the  
Legal Fees and discharge them” to be transmitted by facsimile (fax machine) to the  
Commonwealth of Virginia through the Commonwealth Attorney’s Office of  
Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission  
ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

*Brian D. Hill*  
*Signed*

**U.S.W.G.O.**

Brian David Hill –  
Ally of Qanon



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court



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(276) 790-3505

*Pro Se Appellant*





AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

## UNITED STATES DISTRICT COURT

for the  
Western District of Virginia

Brian David Hill

Plaintiff/Petitioner

v.

Glen Andrew Hall, et al.

Defendant/Respondent

Civil Action No.

### APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Long Form)

#### Affidavit in Support of the Application

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested. I declare under penalty of perjury that the information below is true and understand that a false statement may result in a dismissal of my claims.

Signed:

Brian D. Hill  
*Signed*

#### Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 03/26/2020

- For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly income amount during the past 12 months		Income amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Self-employment	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Income from real property (such as rental income)	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Interest and dividends	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Gifts	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Alimony	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Child support	\$ N/A	\$ N/A	\$ N/A	\$ N/A



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

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Retirement (such as social security, pensions, annuities, insurance)	\$ 0.00	\$ N\A	\$ 0.00	\$ N\A
Disability (such as social security, insurance payments)	\$ 783.00	\$ N\A	\$ 783.00	\$ N\A
Unemployment payments	\$ 0.00	\$ N\A	\$ 0.00	\$ N\A
Public-assistance (such as welfare)	\$ 0.00	\$ N\A	\$ 0.00	\$ N\A
Other (specify):	\$ 0.00	\$ N\A	\$ 0.00	\$ N\A
<b>Total monthly income:</b>	<b>\$ 783.00</b>	<b>\$ 0.00</b>	<b>\$ 783.00</b>	<b>\$ 0.00</b>

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
Never employed	Never employed	Never employed	\$ 0.00
Never employed	Never employed	Never employed	\$ 0.00

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
No Spouse	Never married	Never married	\$ 0.00
No Spouse	Never married	Never married	\$ 0.00
No Spouse	Never married	Never married	\$ 0.00

4. How much cash do you and your spouse have? \$ Money in bank account under Direct Deposit minimum requirement for a bank account  
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
SunTrust	Direct Deposit for SSI	\$ 111.01	\$
		\$	\$
		\$	\$

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.



AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Assets owned by you or your spouse	
Home (Value)	\$ 0.00
Other real estate (Value)	\$ 0.00
Motor vehicle #1 (Value)	\$ 0.00
Make and year: No Vehicle, No Home, no real estate owned	
Model:	
Registration #:	
Motor vehicle #2 (Value)	\$
Make and year:	
Model:	
Registration #:	
Other assets (Value)	\$ 0.00
Other assets (Value)	\$ 0.00

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
0	\$ 0.00	\$ 0.00
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name (or, if under 18, initials only)	Relationship	Age
N/A	N/A	



AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (including lot rented for mobile home) Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No	\$ 500.00	\$ N/A
Utilities (electricity, heating fuel, water, sewer, and telephone) Included in rent	\$ 0.00	\$ N/A
Home maintenance (repairs and upkeep)	\$ 0.00	\$
Food	\$ 15.00	\$
Clothing between \$0-\$100	\$ 100.00	\$
Laundry and dry-cleaning	\$ 5.00	\$
Medical and dental expenses Medicaid	\$ 0.00	\$
Transportation (not including motor vehicle payments) Mother drives me places	\$ 0.00	\$
Recreation, entertainment, newspapers, magazines, etc.	\$ 30.00	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's: N/A	\$ 0.00	\$
Life: N/A	\$ 0.00	\$
Health: N/A	\$ 0.00	\$
Motor vehicle: N/A	\$ 0.00	\$
Other: N/A - Medicaid is benefit program	\$ 0.00	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ 0.00	\$
Installment payments		
Motor vehicle: N/A	\$ 0.00	\$
Credit card (name): N/A - Never owned credit	\$ 0.00	\$
Department store (name): N/A - Do not owe any Department store	\$ 0.00	\$
Other: N/A	\$ 0.00	\$
Alimony, maintenance, and support paid to others	\$ 0.00	\$



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

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AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

Regular expenses for operation of business, profession, or farm ( <i>attach detailed statement</i> )	\$ 0.00	\$ N/A
Other ( <i>specify</i> ): Misc. Legal Expenses towards federal/state criminal cases	\$ 100.00	\$ N/A
<b>Total monthly expenses:</b>	<b>\$ 750.00</b>	<b>\$ 0.00</b>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you spent — or will you be spending — any money for expenses or attorney fees in conjunction with this lawsuit? ☒ Yes ☐ No

If yes, how much? \$ 0-100

11. Provide any other information that will help explain why you cannot pay the costs of these proceedings.  
Only source of income is SSI disability. Limited monthly income, a fixed income. I am disabled however I have to file this lawsuit to protect my SSI benefits from garnishment, execution, or any other legal process.

12. Identify the city and state of your legal residence.  
Martinsville, Virginia

Your daytime phone number: (276) 790-3505

Your age: 29 Your years of schooling: High School is the highest education

**RECORD NO. 19-4758**

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*In The*  
**United States Court of Appeals**  
*For The Fourth Circuit*

**UNITED STATES OF AMERICA,**

*Plaintiff – Appellee,*

v.

**BRIAN DAVID HILL,**

*Defendant – Appellant.*

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
AT GREENSBORO**

**REPLY BRIEF OF APPELLANT**

**E. Ryan Kennedy  
ROBINSON & McELWEE, PLLC  
140 West Main Street, Suite 300  
Clarksburg, West Virginia 26301  
(304) 326-5318**

*Counsel for Appellant*



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## I. ARGUMENT

- i. **The government's argument unduly limits the scope of *United States v. Haymond*, as the provided opinion indicates a new direction for the Supreme Court of the United States. Therefore, the district court erred as a matter of law in conducting the revocation hearing without a jury and by making findings of guilt by preponderance of the evidence, rather than beyond a reasonable doubt<sup>1</sup>.**

The government's argument unduly limits the scope of *United States v. Haymond*, as the provided opinion indicates a new direction for the Supreme Court of the United States. Therefore, the district court erred as a matter of law in conducting the revocation hearing without a jury and by making findings of guilt by preponderance of the evidence, rather than beyond a reasonable doubt.

As stated by the government in its brief, the Supreme Court of the United States, in *United States v. Haymond*, 139 S. Ct. 2369 (2019), was divided into a 4-1-4 decision. While this division of the Court does make the opinion more difficult to interpret, it does not lessen its impact. The similarities between the two (2) defendants in *Haymond* and the instant case are striking.

In *Haymond*, the defendant was initially convicted of possession of child pornography, which is the same initial offense as Appellant. *Id.* at 2373. As in the instant case, Haymond was sentenced to a term of (10) years of supervised release.

---

<sup>1</sup> As previously stated in Appellant's opening brief, this Court reviews questions of law in supervised release revocation proceedings de novo, including the interpretation of the United States Sentencing Guidelines and the Constitution of the United States. *United States v. Barton*, 26 F.3d 490, 491 (4th Cir. 1994).



## I. ARGUMENT

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*Id.* at 2574; (JA 7). Haymond was later caught, while on supervised release, with additional child pornography and a revocation hearing was conducted before a district judge without a jury and under a preponderance of the evidence standard, not the beyond a reasonable doubt standard. *Id.* Similarly, in the instant case, Appellant appeared before a district judge in a revocation hearing based upon his alleged indecent exposure, without a jury and under a preponderance of the evidence standard. (JA 26-27, 35-36, 120-21).

Both Haymond and Appellant were sentenced to an additional term of incarceration based upon the findings of fact of a district judge, without a jury, by a preponderance of the evidence. *Id.*; (JA 120-21).

The government emphasizes that Haymond's violation invoked the mandatory minimum provision of 18 U.S.C. § 3583(k), whereas Appellant's sentence for his alleged violation fell under 18 U.S.C. § 3583(e). Despite the government's assertions to the contrary, however, Appellant maintains that the expanded scope of trial by jury and the burden of proof being beyond a reasonable doubt also applies to Section 3583(e) violations, such as this case, either directly through *Haymond* or through an expansion and/or change in existing law.<sup>2</sup> Simply

---

<sup>2</sup> For the sake of brevity, Appellant will not reproduce the Supreme Court of the United States' eloquent remarks from *Haymond* on the historic and fundamental importance of both the right to trial by jury and that proof of criminal conduct must be beyond a reasonable doubt. Appellant hereby incorporates by reference, as if fully set forth herein, pages 2376 through 2378 of the *Haymond* opinion.



put, *Haymond* is an established beachhead whose objectives are clear: The restoration of a robust right to trial by jury and the expansion of the use of the beyond a reasonable doubt standard.

The government's argument centered not so much on the law but on trying to play on this Court's supposed fears of being the first Court of Appeals to recognize the full scope of the *Haymond* doctrine. As a result, the government leaves unrebutted the detailed textual analysis of *Haymond* in Appellant's opening brief. Many statements and passages in the Court's opinion strongly suggest that the Sixth Amendment right to a jury trial applies to any supervised-release revocation proceeding. For example, the first sentence of the opinion reads: "Only a jury, acting on proof beyond a reasonable doubt, may take a person's liberty." *Haymond*, 139 S. Ct. at 2373.

The Court defined a "crime" as any "ac[t] to which the law affixes ... punishment," and says that a "prosecution" is "the process of exhibiting formal charges against an offender before a legal tribunal." *Haymond*, 139 S. Ct. at 2376. The Court, however, uses this definition for the purpose, of declaring that every supervised-release revocation proceeding is a criminal prosecution. See *Haymond* 139 S. Ct., at 2379 ("[A] 'criminal prosecution' continues and the defendant remains an 'accused' with all the rights provided by the Sixth Amendment, until a final



sentence is imposed.... [A]n accused's final sentence includes any supervised release sentence he may receive".)

Quoting *Blakely v. Washington*, 542 U.S. 296, 304 (2004), the Court states that "a jury must find beyond a reasonable doubt every fact which the law makes essential to a punishment that a judge might later seek to impose." *Haymond*, 139 S. Ct. at 2370. Since a defendant sentenced to incarceration after being found to have violated supervised release is receiving a "punishment," then the Court's statement means that any factual finding upon which that judgment is based must be made by a jury, not by a judge.

While both *Apprendi v. New Jersey*, 530 U.S. 466 (2000) and *Blakely v. United States*, 570 U.S. 99 (2013), apply only to a defendant's sentencing proceeding and not to a supervised-release revocation proceeding, which has been described at times as a "postjudgment sentence-administration proceedin[g]," the Court states that "the demands of the Fifth and Sixth Amendments" cannot be "dodge[d] by the simple expedient of relabeling a criminal prosecution a ... 'sentence modification' imposed at a 'postjudgment sentence administration proceeding.'" *Haymond*, 139 S. Ct. at 2379. The meaning of the Court's above statement is clear. A supervised-release revocation proceeding is a criminal prosecution and is therefore governed by both the Fifth and Sixth Amendments. See *Haymond*, 139 S. Ct. at 2390 ("any accusation triggering a new and additional punishment [must be] proven to the



satisfaction of a jury beyond a reasonable doubt”); *Id.* at 2380 (“a jury must find all of the facts necessary to authorize a judicial punishment”).

The Court, in summary, posits that parole was constitutional, but supervised release is entirely different. *Haymond*, 139 S. Ct. at 2381-82. The implication in the above statements is clear enough: All supervised-release revocation proceedings must be conducted in compliance with the Sixth Amendment. The Court hints at where it is heading when it writes: “[O]ur opinion, [does] not pass judgment one way or the other on § 3583(e)’s consistency with *Apprendi*.” *Haymond*, 139 S. Ct. at 2382-84, n.7. Section 3583(e), the section under which Appellant was sentenced, sets out the procedure to be followed in all supervised-release revocation proceedings. Therefore, the Court left open the door that provision, the one through which Appellant was sentenced, is not consistent with *Apprendi*, which means that Appellant’s proceeding required trial by jury.

For the reasons both stated above and in Appellant’s opening brief, there is no clear ground for limiting the *Haymond* opinion only to Section 3583(k). The Court simply let that issue sleep for another day. Today is that day. Despite the government’s protestations to the contrary, this Court should recognize the larger paradigm shift which has occurred in the Supreme Court’s reasoning, which when applied, protects Appellant from being sentenced to further incarceration without a jury and requires a beyond a reasonable doubt evidence standard.



- ii. **The government's argument expands Virginia state criminal law regarding obscenity beyond its statutory limits and, therefore, the district court erred in finding that the evidence before it was sufficient to find that Appellant violated his supervised release by violating Virginia Code § 18.2-387 because the evidence fails to show that Appellant acted intentionally to make an obscene display or exposure of his person.**

The government's argument expands Virginia state criminal law regarding obscenity beyond its statutory limits and, therefore, the district court erred in finding that the evidence before it was sufficient to find that Appellant violated his supervised release by violating Virginia Code § 18.2-387 because the evidence fails to show that Appellant acted intentionally to make an obscene display or exposure of his person. While the government would have this Court believe that it knows obscenity when it sees it, Virginia has chosen to provide significant codification in this area of law. That statute provides, in relevant part, that "[e]very person who **intentionally** makes an **obscene** display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor." Va. Code § 18.2-387 (emphases added).

"The 'obscenity' element of Code § 18.2-387 may be satisfied when: (1) the accused admits to possessing such intent, *Moses v. Commonwealth*, 611 S.E.2d 607, 608 (Va. App. 2005) (*en banc*); (2) the defendant is visibly aroused, *Morales v. Commonwealth*, 525 S.E.2d 23, 24 (Va. App. 2000); (3) the defendant engages in masturbatory behavior, *Copeland v. Commonwealth*, 525 S.E.2d 9, 10 (Va. App.



2000); or (4) in other circumstances when the totality of the circumstances supports an inference that the accused had as his dominant purpose a prurient interest in sex, *Hart*, 441 S.E.2d at 707–08.<sup>3</sup> The mere exposure of a naked body is not obscene. *See Price v. Commonwealth*, 201 S.E.2d 798, 800 (Va. 1974) (finding that “[a] portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene’).” *Romick v. Commonwealth*, No. 1580-12-4, 2013 WL 6094240, at \*2 (Va. Ct. App. Nov. 19, 2013) (unpublished) (internal citations reformatted).

While the evidence may show that Appellant was naked in public, as stated above, nudity, without more, is not obscene under Virginia law. Rather, “[t]he word ‘obscene’ where it appears in this article shall mean that which, **considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex**, that is a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and

---

<sup>3</sup> Although the government has placed all of its eggs in the basket of a single, unreported, three (3) page decision of a state intermediate appellate court, defendant is citing a summary of multiple reported decisions, some of which came from Virginia’s highest court. Further, as *Maness v. Commonwealth*, 2014 WL 2136469, \*3 (Va. App. 2014). (unpublished), the case cited by the government acknowledges, every circumstance of alleged obscenity is fact-specific. *Maness* was riding a bicycle nearly nude through a major thoroughway on a Sunday in broad daylight. *Id.* at \*1. Further *Maness* did not appear to be in any distress and said that he simply thought it was a nice day for a bike ride. *Id.* Unlike Appellant, there does not appear to be any other logical reason why *Maness* would have thus conducted himself except to have as his dominant theme or purpose an appeal to the prurient interest in sex. Appellant’s belief that he was being forced to take nude pictures of himself in public under threat of harm to his family constitutes a completely different purpose.



which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value.” Va. Code § 18.2-372 (emphasis added). While Virginia does not appear to have established a clean definition of criminal intent, Black’s Law Dictionary defines it as “[a]n intent to commit an actus reus without any justification, excuse, or other defense.”

In summary, in order to show that Appellant violated his supervised release by committing the offense of indecent exposure under Virginia law, the government was required to prove, among other things, that Appellant had the intent to display or expose himself in a way which has, as its dominant theme or purpose, appeal to the prurient interest in sex, as further defined above, without any justification, excuse, or other defense.<sup>4</sup> The government failed to do so. Rather, the government’s evidence, presented through its own witnesses, showed Appellant as someone who was running around naked between midnight and 2:00 a.m. and taking pictures of himself because he believed that someone was going to hurt his family if he did not do so. (JA 42-43, 53).

---

<sup>4</sup> For the reasons stated above, the government’s burden was to prove every element of the offense, including the *mens rea*, beyond a reasonable doubt. However, even if, *arguendo*, this Court were to find that the government’s burden was only a preponderance of the evidence, the government has still failed to carry its burden.



The district court did not hear, however, any evidence of Appellant having his dominant theme, or purpose being an appeal to the prurient interest in sex. For example, the government does not dispute that there was no evidence of Appellant making any sexual remarks, being aroused, masturbating, or enjoying his conduct, sexually or otherwise. If a person was purposing to expose himself in public because he or she found it sexually arousing, it would be logical that he or she would pick a place and time where he or she would expect to encounter lots of members of the public. Appellant did not do that. Rather, he was running around between midnight and 2:00 a.m. and the witnesses to his nudity were few. Hence, the statements Appellant made to police and his conduct both indicate that, in the light most favorable to the government, (1) he was naked in public while having a psychiatric episode<sup>5</sup>, but (2) without the intent necessary to commit indecent exposure under Virginia law. Consequently, for the reasons stated above and in Appellant's opening brief, the district court erred, as a matter of law, when it found that Appellant had violated his supervised release by committing the Virginia state law offense of indecent exposure as per Virginia Code § 18.2-387.

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<sup>5</sup> It is irrelevant whether there actually was someone threatening him to take naked pictures or whether he just believed there was at the time. Either circumstance would be a lack of the appropriate *mens rea*.



- iii. **The government's argument misses the point of Appellant's argument that this situational violation was completely avoidable had the district court granted Appellant's Motion to Continue. Therefore, this Court should extend and/or modify existing law to hold that the district court abused its discretion when it denied Appellant's motion to continue the revocation hearing until after the underlying criminal appeal was completed.**

The government's argument misses the point of Appellant's argument that this situational violation was completely avoidable had the district court granted Appellant's Motion to Continue. Therefore, this Court should extend and/or modify existing law to hold that the district court abused its discretion when it denied Appellant's motion to continue the revocation hearing until after the underlying criminal appeal was completed. As stated above and in Appellant's opening brief, this Court should extend and/or modify existing law to find that Appellant had a constitutional right to a trial by jury and for his guilt to be determined to the beyond a reasonable doubt standard.

An abuse of discretion occurs when the district court demonstrates "an unreasoning and arbitrary insistence upon expeditiousness in the face of a justifiable request for delay." *Morris v. Slappy*, 461 U.S. 1, 11-12 (1983).

If the district court had not wanted to empanel a jury, it could have still protected Appellant's constitutional rights by simply granting Appellant's motion to continue the hearing in order to allow Appellant's pending state court appeal, which would have been a *de novo* jury trial, to reach a final decision. (JA 30-36). Had the



district court done so, it could have used the final conviction from the Virginia state court, if the appeal were unsuccessful, as a factual basis for a revocation because Appellant would have, at that point, been determined to be guilty of said underlying offense beyond a reasonable doubt by a jury of his peers. Conversely, if said appeal were successful, then the district court could have dismissed the revocation petition. Therefore, the district court demonstrated an unreasoning and arbitrary insistence upon expeditiousness in the face of a justifiable request for delay by insisting that the hearing proceed that day.

As provided in 18 U.S.C. § 3583(e)(4), and discussed at the revocation hearing, the district court could have ordered Appellant to remain at his place of residence during non-working hours and/or placed him on electronic monitoring. (JA 103-06). Such an order would have alleviated any public safety concern while Appellant's appeal was ongoing in state court. Therefore, the district court abused its discretion when it denied Appellant's motion to continue, as the district court could have alleviated the basis for this appeal by merely granting the continuance.

## **II. CONCLUSION**

For the reasons state above and in Appellant's opening brief, the Appellant urges this Court to vacate the revocation of his supervised release.



Respectfully Submitted,

**BRIAN DAVID HILL**

**By Counsel**

/s/ E. Ryan Kennedy

E. Ryan Kennedy

(W.Va. State Bar. #10154)

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### **CERTIFICATE OF COMPLIANCE**

1. This brief complies with type-volume limits because, excluding the parts of the document exempted by Fed. R. App. P. 32(f) (cover page, disclosure statement, table of contents, table of citations, statement regarding oral argument, signature block, certificates of counsel, addendum, attachments):

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Dated: January 17, 2020

/s/ E. Ryan Kennedy  
*Counsel for Appellant*



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

USCA4 Appeal: 19-4758 Doc: 30 Filed: 01/17/2020 Pg: 18 of 18

**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on this 17th day of January, 2020, I caused this Reply Brief of Appellant to be filed electronically with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

Anand P. Ramaswamy  
OFFICE OF THE U.S. ATTORNEY  
101 South Edgewater Street, 4th Floor  
Greensboro, North Carolina 27401  
(336) 333-5351

*Counsel for Appellee*

I further certify that on this 17th day of January, 2020, I caused the required copy of the Reply Brief of Appellant to be hand filed with the Clerk of the Court.

/s/ E. Ryan Kennedy  
*Counsel for Appellant*  
FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

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CLERK/DEPUTY CLERK



RECORD NO. \_\_\_\_\_

In The  
**Supreme Court**  
Of Virginia

**In Re: Brian David Hill,**

**Brian David Hill,**

*Petitioner,*

v.

**Commonwealth of Virginia,**

*Respondent,*

**PETITIONING TO REQUEST MANDAMUS/PROHIBITION  
ACTION ON THE MARTINSVILLE CIRCUIT COURT**

**PETITION FOR WRIT OF MANDAMUS AND PROHIBITION**

**U.S.W.G.O.**

**Brian David Hill – Ally of Qanon  
Founder of USWGO Alternative News  
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(276) 790-3505**



*Pro Se Appellant*

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**I. STATEMENT OF SUBJECT MATTER  
AND APPELLATE JURISDICTION**

Brian David Hill, (the “Appellant” or “Petitioner”) the criminal defendant in case no. CR19000009-00, and requests an emergency Petition for a Writ of Mandamus and Prohibition by the Supreme Court of Virginia to mandate and prohibit an action or actions by the Hon. Giles Carter Greer (“Judge”) and/or the Hon. Ashby Pritchett (“Clerk”) and/or Matthew Scott Thomas Clark (“Attorney”, officer of the court) of the Circuit Court of Martinsville, Virginia (“Circuit Court”). Such action is needed to prevent the Judge, Clerk, and Attorney of the Circuit Court from violating federal law under 42 U.S. Code § 407 by unlawful garnishment of Brian David Hill’s SSI disability.

Petition is filed pursuant to Va. Code Ann. § 8.01-644, and all factual claims in this petition shall be verified or declared under oath as pursuant to that statutory authority and pursuant to Rule 5:7(b)(1).

This Petition for the Writ of Mandamus follows an inaction by the Judge of the Circuit Court on pending motions that affects the Constitutional rights which may deprive a criminal defendant of life and liberty and property without due process of law, and may permanently deprive Petitioner of his Supplemental Security Income (“SSI”) in violation of federal law.

This Petition for the Writ of Prohibition follows an order for Petitioner to pay \$1,124.00 to pay the legal fees obligation to the Circuit Court, from the order signed



by the Clerk. Petitioner asks for this Court to issue Prohibition against the Circuit Court Judge and Clerk prohibiting them from taking any judicial action that would unlawfully garnish the SSI disability money of Brian David Hill as such garnishment violates 42 U.S. Code § 407.

Brian David Hill argues that pursuant to 42 U.S. Code § 407(a), which provides an anti-attachment provision for social security benefits, the SSI benefits are exempt from attachment, garnishment, or other court-imposed obligation.

42 U.S.C. § 407(a) provides:

*"The right of any person to any future payment under this subchapter shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this subchapter shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law."*

Petitioner also argues that any attempt to enforce the legal fee payment order would constitute "other legal process" under 42 U.S.C. § 407(a), and that such attempt is barred by the statute.

The Hon. Ashby R. Pritchett, the Clerk of the Circuit Court signed the order for Brian David Hill to pay the legal fees, see the order attached to this Writ.

Hon. Giles Carter Greer, the Judge of the Circuit Court either signed or was involved with the order for Brian David Hill to pay the legal fees.

Matthew Scott Thomas Clark, an attorney/officer of the Circuit Court, could also demand legal fees separately and will assess his own legal fees to be billed to



Petitioner Brian David Hill, from his representation of Petitioner during his state criminal case.

See et seq. 45, Date: 11/15/2019, Type: OTHER, Party: BEW, Remarks: COPY DISPOSITION NOTICE; et seq. 44, Date: 11/15/2019 , Type: PAYMENT AGREEMENT PLAN, Party: BEW; and et seq. 43, Date: 11/15/2019, Type: ORDER IN MISDEMEANOR OR TRAFFIC INFRACTION PROCEEDING, Party: BEW, Judge: GCG

Since the Circuit Court is an inferior court to the Supreme Court of Virginia, and the only other higher court is the United States Supreme Court, this is the only available Court within the Commonwealth that has the ability to act on this emergency matter.

This Court is legally authorized to issue this Writ under the Court's original jurisdiction pursuant to Article VI, § 1 of the Constitution of Virginia and Code § 17.1-309, the petitioner, Brian David Hill, proceeding pro se in this separate action as a criminal defendant, seeks the issuance of a writ of mandamus and prohibition directed to the Hon. Giles Carter Greer, Hon. Ashby R. Pritchett, and Matthew Scott Thomas Clark, Esq..

## **II. INTRODUCTION**

1. The Petitioner brings this case to ensure that the Hon. Ashby R. Pritchett, Hon. Giles Carter Greer, and Matthew Scott Thomas Clark, Esq. of the Circuit Court does not violate federal law in subjecting Petitioner's SSI to "execution, levy, attachment, garnishment, or other legal process" in order to garnish Brian David<sup>520</sup>



Hill's SSI disability disbursement. The Petitioner brings this case to compel the Hon. Giles Carter Greer and/or the Hon. Ashby R. Pritchett, to act on the pending motions before the Circuit Court asking to waive legal fees or discharge legal fees to not garnish the SSI disability of Petitioner. This is to prevent a miscarriage of justice with a defect or failure of justice or even an unlawful usurpation of power (excess of jurisdiction) from being carried out if no action is taken or an action is enforced that violates federal law.

2. Direct appeal cannot bring the relief requested in Petitioner's criminal case in the Circuit Court to protect his SSI benefits from garnishment by the Circuit Court, since Petitioner had withdrawn his appeal in the Circuit Court on November 15, 2019, but did not sign any agreements or waivers of protection under federal law as to his Supplemental Security Income benefits.

3. The Hon. Giles Carter Greer and/or Hon. Ashby R. Pritchett have failed to act on or refused to act on Petitioner's Motion to Waive Legal Fees since Petitioner's only source of income is his SSI disability. See et seq. 59, Date: 03/16/2020, MOTION to "WAIVING LEGAL FEES".

4. The Hon. Giles Carter Greer and/or Hon. Ashby R. Pritchett have failed to act on or refused to act on Petitioner's Motion to Discharge Legal Fees since Petitioner's only source of income is his SSI disability. See et seq. 70, Date: 03/31/2020, MOTION to "TO DISCHARGE LEGAL FEES".

5. The Petitioner seeks to protect his rights and the fundamental rights of himself from the serious, irreparable harm that would occur if the Petitioner's 521



pending Motions referenced under paragraphs 3-4 are not acted upon by the Hon. Giles Carter Greer and/or Hon. Ashby R. Pritchett, and if Hon. Giles Carter Greer and/or Hon. Ashby R. Pritchett of the Circuit Court illegally garnishes the Supplemental Security Income ("SSI") of Petitioner.

6. The case also involves the ineffective assistance of counsel—Matthew Scott Thomas Clark—who will also benefit off of the Circuit Court's order from Ashby R. Pritchett and/or Hon. Giles Carter Greer mandating the garnishment of Petitioner's SSI disability. Matthew Scott Thomas Clark shall be referred to as "Matthew Clark" or by his title/position of the "Attorney Matthew Clark".

7. Any amount of SSI being garnished, even in increments still violates 42 U.S.C. § 407(a).

8. The order to coerce Petitioner to transfer or give up his SSI benefits which is garnishment was entered on November 15, 2019.

9. Petitioner had stated in his motions in paragraphs 3-4 alleging that Petitioner has no liquid assets, owes no restitution, has not been fined, but the legal fees demanded from Petitioner are only to pay the attorney fees of every defense counsel appointed in his state criminal case and the legal fees of the prosecuting attorney who had prosecuted the case. Petitioner pays \$500 of rent. He filed a photocopy of his filed federal affidavit of his in forma pauperis long form (*APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Long Form)*) in attachment to his second motion asking to discharge legal fees. Once Petitioner had filed his motions to discharge or waive the 522



legal fees in his criminal case with good merits and explanation as to why Petitioner should not be compelled to pay the legal fees to the Circuit Court as in violates 42 U.S.C. § 407(a), those motions should have been acted upon without unnecessary delay.

10. If the Circuit Court refrains from making any decision on Petitioner's motions in regards to the court ordered legal costs and even decides to ignore it, then Matthew Clark and/or Hon. Giles Carter Greer and/or Hon. Ashby Pritchett is the permanent gatekeeper of unreasonable legal fee demands that they know by federal law they cannot legally get, and can deprive Petitioner of his federally protected SSI benefits, and thus can deprive Petitioner right to life, liberty, and the pursuit of happiness without due process of law in violation of the Fourteenth Amendment of the U.S. Constitution. Matthew Clark could fix it to where I owe money that cannot be liquated as a matter of law. This is cruel and unusual punishment for a Circuit Court to deprive a criminal defendant of his only source of income and that income being protected under federal law, thus it deprives Petitioner of his federally protected benefits and usurps the federal law authority.

11. Matthew Clark will not direct appeal with his own ineffectiveness in the criminal case, will not demonstrate his own ineffectiveness in argument. Counsel will not call itself ineffective in order to effectively represent the Petitioner. Once a conflict of interest has been merited, once a conflict of interest has been found or proven on the record, counsel must withdraw from the case voluntarily or by order of the court. Because he is controlling the appeal with his own ineffectiveness,<sup>523</sup>



Petitioner cannot use the vehicle of direct appeal for his criminal case to stop the unlawful garnishment of his SSI.

12. Even if it is a state law for the losing party in a criminal case to pay the legal fees, even that law is not exempted from the anti-attachment and anti-garnishment clause of the Social Security Act under 42 U.S. Code § 407. Usually only restitution or alimony or child support or taxes can be subject to garnishment. Petitioner owes no restitution in the criminal case and was not fined. If a criminal defendant writes a pro se pleading to the Court in either a pleading or a letter stating that he/she does not have the money to pay the legal costs and federal law forbids such requirement in the legal system to pay the legal costs even under court order, then the Court should honor making sure to only garnish any assets not protected under federal/state law such as federal benefits and state benefits programs to prevent any serious, irreparable harm and permanent damages to the criminal defendant seeking relief.

13. Direct appeal is impossible to timely file for the order to pay attorney fees as it was entered in November 15, 2019. Since Petitioner had withdrawn his trial de novo appeal in the criminal case of the Circuit Court, direct appeal may not be available as remedy to prevent the violation of federal law by the Hon. Giles Carter Greer and/or Hon. Ashby Pritchett and/or Matthew Clark.

### **III. JURISDICTION AND VENUE**

14. This Court has jurisdiction to grant mandamus and prohibition relief under the Article VI, § 1 of the Constitution of Virginia and Va. Code § 17.1-309, 524



which authorizes the Court to supervise the lower courts and to issue mandamus and prohibition relief under extraordinary circumstances as necessary to effectuate the justice system to ensure fair trial, that there is no unlawful usurpation of power (excess of jurisdiction) or that a lower court does not violate federal law in its judicial actions, and to ensure that an inferior Court does not neglect, fail, or refuse to take an action that it has a constitutional obligation and a duty to take such action. The Hon. Ashby R. Pritchett, Clerk, and the Hon. Giles Carter Greer are both officers of the Circuit Court. Since the Circuit Court is an inferior Court to the Supreme Court of Virginia, and there are no other higher Courts that has the original jurisdiction to enter a Writ of Mandamus and Writ of Prohibition, the Supreme Court of Virginia is the only available judicial body that has the authority and power to correct a miscarriage of justice or excess of jurisdiction from happening by unlawful garnishment of Brian David Hill's SSI disability disbursement, and thus permanently depriving Petitioner of his guaranteed federal legal right to his assignment of benefits under the Social Security Act. This Court has the legal authority and obligation to take action on this emergency situation.

15. Venue is appropriate as this Court is the only Court that has supervisory authority over the Circuit Courts of Virginia, which is the Supreme Court of Virginia itself.

#### **IV. PARTIES**

16. Brian David Hill (Petitioner) is the criminal defendant in the case entitled "Commonwealth of Virginia v. Brian David Hill", case no. CR19000009-00, in the 525



Circuit Court of Martinsville. Brian David Hill is also the Petitioner in this case.

17. Hon. Ashby R. Pritchett, Clerk, is the judicial officer in the case entitled “Commonwealth of Virginia v. Brian David Hill”, case no. ~~CR19000009-00~~, in the Circuit Court of Martinsville. Address of his official capacity is: 55 West Church Street, Martinsville, VA 24112, Phone: (276) 403-5106; Fax: (276) 403-5232.

18. Hon. Giles Carter Greer, Judge, is the judicial officer in the case entitled “Commonwealth of Virginia v. Brian David Hill”, case no. CR19000009-00, in the Circuit Court of Martinsville. Address of his official capacity is: 55 West Church Street, Martinsville, VA 24112, Phone: (276) 403-5106; Fax: (276) 403-5232.

19. Matthew Scott Thomas Clark, Esq., Attorney, is the judicial officer in the case entitled “Commonwealth of Virginia v. Brian David Hill”, case no. CR19000009-00, in the Circuit Court of Martinsville. Address of his official capacity is: 711B Starling Ave., Martinsville, Virginia 24112, Phone: (276) 634-4000; Fax: (276) 634-4004.

#### **V. FACTUAL BACKGROUND**

20. Petitioner had filed the seq. 59, Date: 03/16/2020, MOTION to “~~WAIVING LEGAL FEES~~” with the Circuit Court by fax and was filed on March 16, 2020. That should be considered the date of initial filing. Two weeks have passed since that Motion was received by the Court and no action has been taken. Petitioner has not received any letters, phone calls, or any indication that the motion has been acted upon by the Judge the Hon. Giles Carter Greer or the Clerk under the Hon. Ashby R. Pritchett and neither of any indication that the motion has been granted or



denied. Petitioner assumes that if the motion is ignored because it is filed pro se, it shouldn't be ignored since that very motion is asking for legal fees to be waived as garnishment of SSI disability that is Petitioner's only source of income violates federal law. Taking no action on his motion deprives Petitioner of his federally protect benefit in violation of federal law.

21. Petitioner had stated in his MOTION to "WAIVING LEGAL FEES" the following:

"Pursuit to § 8.01-512.4 and 42 U.S. Code § 407, Brian David Hill ("Petitioner") the criminal defendant in this case files this motion for requesting the Waiving of Legal Fees or Not Enforcing Them in this Circuit Court, for lack of funds and that Petitioner has no garnishable income and no liquid assets. Petitioner does not work a job and therefore does not actually make any money that can be subject to garnishment as it is a protected Federal Benefits program by Federal Law and is Petitioner's only source of income to live off of. This motion is to file evidence that establishes Petitioner has no garnishable income, owns no car, and owns no home. Petitioner owes no restitution to the Commonwealth of Virginia as there are no reported victims. The only fees charged to Petitioner is legal fees such as attorney fees, and that is forbidden under Federal Law from any kind of garnishment, execution and levying." – Pages 1-2 cited from the filed pleading

22. Petitioner had stated in his MOTION to "TO DISCHARGE LEGAL FEES" the following:

"I, Brian D. Hill, file this emergency motion asking this Court to discharge all legal fees from my debt to the Commonwealth of Virginia. I owe no restitution, I have no victims, and my attorneys Matthew Scott Thomas Clark, Lauren McGarry, and Scott Albrecht have all failed me in successfully defending me from my charge. The claims and attached evidence in my earlier filed MOTION for "WAIVING LEGAL FEES" that was filed on 03/16/2020 is also asserted as evidence in support of this emergency motion"...I attach a single exhibit of the application to proceed In Forma Pauperis that was filed in the federal lawsuit that I had filed on Friday, March 27, 2020. That IFP motion was granted even though the Judge dismissed the Social Security Anti-Garnishment lawsuit I had filed quickly to protect my SSI disability from being garnished but such fees was not to pay any restitution since none was ordered but only the legal fees of both the prosecution and defense attorneys which<sup>527</sup>



does not help any supposed victims of crime as I have no victims. I also was legally innocent according to Mayor of Clarksburg, West Virginia and my federal appellate lawyer Ryan Edward Kennedy.” – Pages 1-3 cited from the filed pleading

23. Petitioner had made a reasonable effort to file multiple motions asking the Circuit Court under the Hon. Ashby Pritchett and Hon. Giles Carter Greer to not garnish the SSI money of Brian David Hill. So far the efforts are without any success.

24. The evidence and information in both of those motions is very concerning for any Court. No constitutional Court of Virginia should ever allow a clear violation of federal law just to pay some legal fee.

25. The Judge Hon. Giles Carter Greer and/or the Hon. Ashby Pritchett is not making any efforts to reach out to the Petitioner concerning the evidence and information in those filed motions concerning that the Petitioner may not be able to even pay the legal costs billed to Petitioner by the Circuit Court. Matthew Clark is also not doing anything as Petitioner own defense lawyer to protect him from garnishment. Counsel that is presumed ineffective and in conflict of interest will not argue his own ineffectiveness in appealing the very case that he represented Petitioner for in the Circuit Court of Martinsville.

**Without Immediate, Expedited Relief, the Party Brian David Hill Will Suffer Irreparable Harm.**

## **VI. ARGUMENT AND MEMORANDUM OF LAW**

Writ of Mandamus and Prohibition is appropriate in the matters of a judicial officer not faithfully discharging his duties as required by law, mandating the 528



payment of attorney fees through legal costs billed against Petitioner even though Petitioner's only source of income is his protected federal benefits under 42 U.S. Code § 407, and the documented federal affidavit to proceed without prepayment of fees demonstrates that Petitioner doesn't even have \$100 and neither of even \$50 to pay the legal costs. The Hon. Ashby Pritchett and the Hon Giles Carter Greer is demanding legal payments from a mentally disabled man with hardly any money every month after monthly expenses and the cost of defending and prosecuting cases including federal appeals and state civil cases and state appeals (mailings, ink, pens, paperclips, binder clips, and paper). A judge is an excess of jurisdiction by taking no action on a motion pending before it. A judge (Hon. Giles Carter Greer) or clerk (Hon. Ashby R. Pritchett) is in excess of jurisdiction to order payment of legal fees out of the Supplemental Security Income ("SSI") of Petitioner which violates 42 U.S. Code § 407. Writ of Mandamus and Prohibition is appropriate in the matters of a judicial officer usurping authority beyond what was prescribed by law, breaking federal law, and acting in excess of jurisdiction.

"Mandamus is an extraordinary remedy employed to compel a public official to perform a purely ministerial duty imposed upon him by law." *Richlands Med. Ass'n v. Commonwealth*, 230 Va. 384, 386, 337 S.E.2d 737, 739 (1985); accord *In re Commonwealth's Attorney for the City of Roanoke*, 265 Va. 313, 317, 576 S.E.2d 458, 461 (2003). "A ministerial act is 'one which a person performs in a given state of facts and prescribed manner in obedience to the mandate of legal authority without regard to, or the exercise of, his own judgment upon the propriety of the act being



done.” Richlands Med. Ass’n, 230 Va. at 386, 337 S.E.2d at 739 (quoting Dovel v. Bertram, 184 Va. 19, 22, 34 S.E.2d 369, 370 (1945)).

This court has already made a precedent ruling on the issue of Mandamus for compelling a Court to act where they refuse to act and ought to act.

In re Commonwealth of Virginia, 278 Va. 1, 22 (Va. 2009) (“Specifically with regard to mandamus directed to an inferior court, we have previously explained that”, “mandamus may be appropriately used and is often used to compel courts to act where they refuse to act and ought to act”).

As this Supreme Court has previously explained:

“[Mandamus] may be appropriately used and is often used to compel courts to act where they refuse to act and ought to act, but not to direct and control the judicial discretion to be exercised in the performance of the act to be done; to compel courts to hear and decide where they have jurisdiction, but not to pre-determine the decision to be made; to require them to proceed to judgment, but not to fix and prescribe the judgment to be rendered.”

That makes sense as fixing or correcting the judgment is normally left to the appeal process. Mandamus relief is necessary when no action is taken on an important motions dealing with evidence that the Petitioner is unable to pay the demanded legal costs that were ordered by the Court, and when in cases where federal law may not allow it. There should be exceptions to the discretion of ignoring pro se motions when dealing with issues such as a criminal defendant’s inability to pay court ordered legal costs, or that the court ordered legal costs may violate federal law in certain circumstances. Why should a Circuit Court force a criminal defendant to be represented by an ineffective counsel, or why even force a criminal defendant to pay out of his SSI disability or face



jail time when that is his only source of income and is protected under federal law?

Mandamus or Prohibition relief is necessary when an action is taken by a judicial officer under his official capacity that is in excess of jurisdiction.

In re Commonwealth of Virginia, 278 Va. 1, 45-46 (Va. 2009) ("In contrast to the decision in In re: Department of Corrections, this Court has, on several occasions, issued a writ of prohibition notwithstanding the fact that it would undo an act already done. See, e.g., Charlottesville Newspapers, Inc. v. Berry, 215 Va. 116, 118, 206 S.E.2d 267, 268 (1974) (issuing writ of prohibition preventing enforcement of order denying public access to pleadings in civil actions and ordering "that the orders of the Circuit Court of Albemarle County which may be in conflict herewith, be, and the same hereby are, declared unenforceable"); Flanary v. Morton, 197 Va. 416, 417-18, 90 S.E.2d 470, 471 (1955) (because the circuit court did not have "the essential equity jurisdiction to entertain" a certain suit and an injunction granted in the suit was without validity and of no effect, a writ of prohibition was issued and the circuit court was "prohibited from having or holding any further proceedings in said equity suit . . . and from enforcing the said injunction"); Burroughs, 90 Va. at 56, 17 S.E. at 746 (affirming issuance of a writ of prohibition to prevent a justice of the peace without jurisdiction from awarding a new trial, after the justice had already granted a new trial); Commonwealth v. Latham, 85 Va. 632, 633-34, 8 S.E. 488, 488-89 (1889) (issuing a writ of prohibition directed to a judge who acted in excess of his jurisdiction when he enjoined the levy for a debt in favor of the Commonwealth, thereby preventing enforcement of an injunction already issued in the trial court); James v. Stokes, 77 Va. 225, 227-31 (1883) (where a justice of



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the peace assumed jurisdiction of a case involving a debt that exceeded the jurisdictional amount over which the justice had jurisdiction, this Court affirmed the issuance of a writ of prohibition against the justice even though judgment had been entered, writs of fieri facias had issued, and partial collection on the judgment had occurred); French v. Noel, 63 Va. (22 Gratt.) 454, 456 (1872) (holding that a writ of prohibition was "the proper remedy for the plaintiff in such a case as this, to prevent and arrest the said unauthorized proceedings, and to have them declared null and void; and that the said remedy still continues to exist, notwithstanding the said judgment of the said [c]ircuit court was rendered before the rule was awarded in this case" (emphasis added)); Jackson v. Maxwell, 26 Va. (5 Rand.) 636 (1826) (issuing a writ of prohibition to inferior court because that court was without jurisdiction when it granted a writ of prohibition to another court, and prohibiting enforcement of the inferior court's writ).")

This Court further argued that "When the action of a court is "a simple refusal to hear and decide the case; and this [C]ourt having held that no appeal lies from such refusal, it is exactly the case to which the highly remedial writ of mandamus is most frequently applied, in order to prevent a defect or failure of justice.'" Cowan v. Fulton, 64 Va. (23 Gratt.) 579, 584 (1873).

Similarly, in three cases from the late 1800's, the Court found that mandamus was proper because the respective judges were without authority to decide that they could not hear a particular case, which they had jurisdiction to decide. See Page, 71 Va. (30 Gratt.) at 428 ("If a judge . . . refuses to sign a proper bill, or to proceed to settle the matter of a bill objected to, he may, in either case, be compelled by mandamus to act");



Kent, Paine & Co. v. Dickinson, 66 Va. (25 Gratt.) 817, 823 (1875) (“It is well settled that applications for a mandamus to a subordinate court are warranted by the principles and usages of law in cases where the subordinate court having jurisdiction of a case refuses to hear and decide the controversy”); Cowan, 64 Va. (23 Gratt.) at 585 (mandamus proper when a court refused to hear a case it had jurisdiction to decide).

There is already well-established case law within both the U.S. Supreme Court and in the higher state court in another state in regards to the federal law’s prohibition on garnishment of a criminal defendant’s social security disability money when that is their only source of income, and there is no other income.

The Court of Appeals determined, in *In re Robby Lampart*, Case No. 315333 (2014), that a court cannot order a person to satisfy a restitution obligation from his or her social security disability income benefits (“SSDI”). *In Re Robby Lampart* was in the State of Michigan, Court of Appeals.

The Court, agreeing with Alexandroni, stated that 42 USC 407(a) prohibited a state court from enforcing a restitution order against her when her only income was SSDI benefits. First, the Court reasoned, 42 USC 407(a) protected a recipient’s benefits before and after the recipient has received them and deposited them in an account. Next, as Alexandroni’s SSDI benefits were not subject to “execution, levy, attachment, or garnishment,” 42 USC 407(a) would only apply if the state court action was an “other legal process.” Citing to *Washington State Dep’t of Social & Health Servs v Guardianship Estate of Keffeler*, 537 US 371; 123 S Ct 1017; 154 L Ed 2d 972 (2003), the Court stated that an “other legal process (1) requires utilization



of some judicial or quasi-judicial mechanism; (2) by which control over property passes from one person to another; (3) in order to discharge or secure discharge of an existing or anticipated liability.” Here, a judicial mechanism was used (*i.e.*, a restitution order) to secure a discharge of Alexandroni’s existing liability. Further, if the trial court used its contempt power to cause her to satisfy the restitution it would be “use of a judicial mechanism to pass control over those benefits from one person to another.” Thus, although the trial court properly determined the SSDI benefits were “income,” its use of its contempt powers would constitute an “other legal process” in violation of 42 USC 407(a). That is so, the court reasoned, even though a contempt order does not “touch a contemtor’s money directly,” but instead coerces the compemtor to comply.

The Court concluded by stating that an actual contempt order would violate 42 USC 407(a), but the “mere specter of a contempt hearing” would not necessarily be an “other legal process.” Additionally, the Court found, the restitution order itself remained valid, and the trial court could make further determinations as to Alexandroni’s ability to pay from other sources of income.

Brian’s family researched the article and found this for Petitioner to cite in this petition. See article entitled: “Court may not order criminal restitution to be paid from Social Security Disability benefits”, dated: August 04, 2014, source:

<https://www.wnj.com/Blogs/Appellate/August-2014/Court-may-not-order-criminal-restitution-to-be-pai>



1/26/2013) (mem. op.)(orig. proc.). The Court of Appeals stated:

A court of appeals may not prescribe the manner in which a trial court exercises its discretion, but it may, by mandamus, require a trial court to exercise its discretion in some manner. A trial court may not arbitrarily halt proceedings in a pending case, and mandamus will lie to compel a trial court to entertain and rule on motions pending before it. A trial court is required to consider and rule upon a motion within a reasonable time. If a motion is properly filed and pending before a trial court, the act of considering and ruling upon that motion is ministerial, and mandamus may issue to compel the trial court to act. (citations omitted).

Citing (Ms. \*6-8) *Ex Parte Ford Motor Credit Co.*, 607 So. 2d 169 (Ala. 1992), the Court examined when a trial judge may be held to have exceeded his or her discretion in failing to rule upon a pending motion, noting "... [W]hile the writ will issue to compel the exercise of discretion by a circuit judge, it will not issue to compel the exercise of discretion in a particular manner. On the other hand, mandamus is an appropriate remedy when there is a clear showing that the trial judge abused his or her discretion by exercising it in an arbitrary and capricious manner." Ms. \*7. Concluding (Ms. \*14-15), the Court reasoned "the circuit court exceeded its discretion by failing to rule on, and instead 'taking under advisement' the motion to dismiss the third-party complaint based on improper venue while allowing discovery on the merits to proceed and setting deadlines for summary-judgment motions and setting the trial date. Therefore, we issue the writ and direct the circuit court to issue an order addressing the merits of [International Paper's] motion to dismiss based on improper venue."

### CONCLUSION

For the reasons stated above, the Petitioner urges this Court to issue a



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Writ of Mandamus directing the Hon. Judge Giles Carter Greer and/or the Hon.

Ashby R. Pritchett to enter a decision on Petitioner's filed seq. 59, Date:

03/16/2020, MOTION to "WAIVING LEGAL FEES" and seq. 70, Date:

03/31/2020, MOTION to "~~TO DISCHARGE LEGAL FEES~~" to protect

Petitioner's Supplemental Security Income from garnishment, execution, levy, or

any other legal process which violates 42 U.S. Code § 407.

For the reasons stated above, the Petitioner urges this Court to issue a

Writ of Prohibition directing the Hon. Judge Giles Carter Greer and/or the Hon.

Ashby R. Pritchett to not enforce by any coerce means nor use of a judicial

mechanism to pass control over those benefits from one person to another which

would be from Brian Hill to the Hon. Ashby Pritchett; that the Circuit Court be

directed to only garnish or compel payment of legal fees by any income not is not

protected under 42 U.S. Code § 407.

Petitioner believes that the taking of evidence is necessary for the proper

disposition of the petition. Petitioner asks for this expedited relief as soon as

possible. Thank You. Respectfully filed, this the 2nd day of April, 2020.

**Petition notarized:**

Signature of Petitioner

  
Signed

Brian David Hill – Ally of Qanon  
Founder of USWGO Alternative  
News



4/2/2020

1:04:57 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 24/ 35

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court



Address of Petitioner:

310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505  
*Pro Se Appellant*



STATE OF VIRGINIA

CITY/COUNTY OF Martinsville

The petitioner being first duly sworn, says:

1. He signed the foregoing petition;
2. The facts stated in the petition are true to the best of his information and belief.

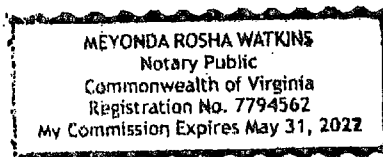
Brian D. Hill  
*Signed*

Signature of Petitioner

Subscribed and sworn to before me

this 1 day of April, 2020

MeYonda Rosha Watkins  
Notary Public



My commission expires May 31, 2022

The petition will not be filed without payment of court costs unless the petitioner is entitled to proceed in forma pauperis and has executed the affidavit in forma pauperis.

The petitioner who proceeds in forma pauperis shall be furnished, without cost, certified copies of the arrest warrants, indictment and order of his conviction at his criminal trial in order to comply with the instructions of this petition.

**AFFIDAVIT IN FORMA PAUPERIS**

STATE OF VIRGINIA



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

CITY/COUNTY OF Martinsville

The petitioner being duly sworn, says:

1. He is unable to pay the costs of this action or give security therefor;
2. His liquid assets amount to a total of \$0;
3. His assets that can be subject to garnishment total of \$0;
4. His only monthly income is \$783 a month of his federal SSI disability benefits but the money is spent on monthly expenses including but not limited to \$500 rent and other undue personal expenses;
4. The reason \$0 has been put on this form as to Brian's assets is because Brian's only source of income is his SSI disability. A copy of his filed "APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Long Form)" (federal IFP application) in federal court shall constitute the affidavit showing Petitioner's expenses and monthly SSI income, as well as the legal costs for each and every mailing and preparation of legal documents (between \$0-\$100) even after the application such as the legal costs spent for mailings. So Brian has \$0 available after the expenses spent on rent, other expenses documented in the federal IFP application, legal filings and document preparation and resources materials which cost between \$0-\$100, and the costs for prosecuting this Petition for Writ of Mandamus and Prohibition and mailing off the documents to the Supreme Court of Virginia take whatever funds are leftover in the federal IFP application. Petitioner has to report \$0. Petitioner gets confused when the state court forms asks for his assets. So this is the best Petitioner can do to demonstrate to the Court that he cannot afford the filing fees. Any filing fees paid for any state civil cases Brian had prosecuted in the past was actually paid for by Roberta Hill his mother.

Black's law definition of "asset." (16c) 1. An item that is owned and has value. 2. (pl.) The entries on a balance sheet showing the items of property owned, including cash, inventory, equipment, real estate, accounts receivable, and goodwill 3. (pl.) All the property of a person (esp. a bankrupt or deceased person) available for paying debts or for distribution.

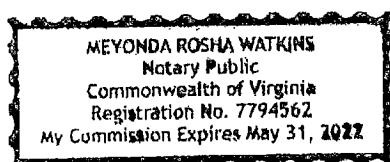
Brian D. Hill  
*Signed*

Signature of Petitioner

Subscribed and sworn to before me

this 1<sup>st</sup> day of April, 2020.

Myronda Rosha Watkins  
 Notary Public

My commission expires: May 31, 2022

**REQUEST FOR ORAL ARGUMENT**

As this Writ of Mandamus raises important constitutional issues and is asking for a Court that takes no action to act where they refuse to act and ought to act as well as the issues of a Circuit Court violating federal law, the Petitioner requests oral argument. Petitioner also requests that oral argument be made through teleconference call with the issues of COVID-19/CoronaVirus.

Respectfully Submitted on April 2, 2020,

**BRIAN DAVID HILL**

Pro Se

*Brian D. Hill*  
*Signed*

---

Brian David Hill – Ally of Qanon  
Founder of USWGO Alternative  
News

310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505  
*Pro Se Appellant*

**U.S.W.G.O.**



**CERTIFICATE OF COMPLIANCE WITH RULE 5:7(b)(7)**

1. This Petition complies with type-volume limits (limit of 50 printed pages or 8,750 words), excluding the parts of the document exempted by Rule 5:7(e) (appendices, exhibits, cover page, table of contents, table of authorities, and certificate.):

[ X ] this brief contains [7,659] words.

[ X ] this brief contains [28] pages total.

2. This brief complies with the typeface and type style requirements because:

[ X ] this brief has been prepared in a proportionally spaced typeface using [Microsoft Word 2013] in [14pt Times New Roman]; or

[ ] this brief has been prepared in a monospaced typeface using [state name and version of word processing program] with [state number of characters per inch and name of type style].

Dated: April 2, 2020

Brian D. Hill  
Signed

**U.S.W.G.O.**



Brian David Hill – Ally of Qanon  
Founder of USWGO Alternative  
News

310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505

*Pro Se Appellant*

**U.S.W.G.O.**

Brian D. Hill - Ally of QANON

WWG1WGA - Q-Intel - Drain the Swamp MAGA

JusticeForUSWGO.wordpress.com - INVESTIGATE!





Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

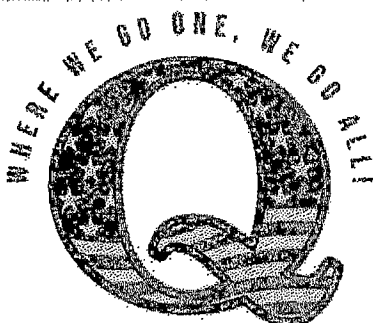
**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on this 1st day of April, 2020, I caused this "PETITION FOR WRIT OF MANDAMUS AND PROHIBITION" to be transmitted by fax to the Respondents' with proof of service to each such respondent (Transmission Ticket attached) which shall satisfy proof of service as required by Rule 5A:12(b):

Glen Andrew Hall, Esq. Martinsville City Commonwealth's Attorney's Office 55 West Church Street Martinsville, Virginia 24112 Telephone: 276-403-5470 Fax: 276-403-5478 <i>Respondent</i>	Hon. Ashby R. Pritchett Clerk of the Circuit Court of Martinsville 55 West Church Street Martinsville, Virginia 24112 Phone: (276) 403-5106 Fax: (276) 403-5232 <i>Respondent</i>
Hon. Giles Carter Greer Judicial Officer of the Circuit Court of Martinsville 55 West Church Street Martinsville, Virginia 24112 Phone: (276) 403-5106 Fax: (276) 403-5232 <i>Respondent</i>	Matthew Scott Thomas Clark, Esq. Attorney/officer of the Court in the Circuit Court of Martinsville 711B Starling Ave. Martinsville, Virginia 24112 Phone: (276) 634-4000 Fax: (276) 634-4004 <i>Respondent</i>

7019 1120 0002 2623 6280

Brian D. Hill  
*Signed*

**U.S.W.G.O.**

Brian David Hill – Ally of Qanon  
Founder of USWGO Alternative  
News  
310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505

*Pro Se Appellant*



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Case 4:20-cv-00017-JLK Document 2-1 Filed 03/27/20 Page 3 of 4 Pageid#: 30

## COMMONWEALTH OF VIRGINIA

VA. CODE §§ 19.2-354; 19.2-358

Case No(s). CR19000009-00

In the Circuit Court for the ☒ City ☐ County of MARTINSVILLE☐ COMMONWEALTH OF VIRGINIA☒ CITY ☐ COUNTY OF MARTINSVILLE

v. BRIAN DAVID HILL

DEFENDANT

-0319  
SSN

UNKNOWN

DRIVER'S LICENSE NUMBER

DRIVER'S LICENSE STATE

310 FOREST ST APT 1, MARTINSVILLE, VA 24112

RESIDENCE ADDRESS

MAILING ADDRESS IF DIFFERENT FROM ABOVE

TELEPHONE NUMBER

## I. ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE

I acknowledge that I have been notified that my driver's license/driving privileges:

☐ is suspended or revoked for a period of \_\_\_\_\_ effective \_\_\_\_\_ as a result of☐ my conviction by this Court.☐ action taken by the Virginia Department of Motor Vehicles pursuant to Va. Code § 46.2-390.1 for the Court's conviction or finding of facts sufficient to convict me of violating the drug laws (Va. Code §§ 18.2-247 through 18.2-264) of this Commonwealth.☐ Declaration by the Virginia Department of Motor Vehicles ☐ Adjudication by \_\_\_\_\_ Court that I am a habitual offender.

I acknowledge that I owe fines, costs, forfeiture, restitution and/or penalty of \$ 1,222.45 plus any additional court-appointed attorney fee, if applicable.

I further certify that on this date this notice was read, understood by me, and I received a copy of the same, and that my driver's license

☐ WAS ☐ WAS NOT surrendered to this Court. Reason not surrendered:

November 15, 2019

(x) Brian D. Hill

DEFENDANT

DATE

State/Commonwealth of ☐ Virginia ☐

County/City of Martinsville

Acknowledged before me this day by Brian David Hill

November 15, 2019

DATE

PRINT NAME OF SIGNATORY

Jennifer C. Gain  
CLERK  
Notary Registration No. \_\_\_\_\_ My commission expires: \_\_\_\_\_

READ PART I ON THE BACK OF THIS FORM FOR MORE STIPULATIONS, WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ACKNOWLEDGMENT.

## II. ORDER AND NOTICE OF DEFERRED PAYMENT OR INSTALLMENT PAYMENTS

SEE PART II ON THE BACK OF THIS FORM FOR FURTHER STIPULATIONS, WARNINGS AND INFORMATION CONCERNING THIS NOTICE AND ORDER, WHICH ARE HEREBY INCORPORATED BY REFERENCE.

Upon due consideration, the Defendant's Petition for deferred or installment payments is accordingly ACCEPTED, and the Defendant is ORDERED to pay costs, fines, forfeiture, and penalty totaling \$ 1,222.45, plus restitution

totaling \$ \_\_\_\_\_ plus any additional court-appointed attorney fee, court reporter fee, and interest, if applicable, by:

☒ making \_\_\_\_\_ installment payments of \$ 300.00 per 6 MONTH beginning 05/13/2020 until paid in full; or☐ making a deferred payment in full on or before 12/02/2019.☐ Restitution payments are to be paid in accordance with the court's ORDER FOR RESTITUTION previously entered.

If Deferred payment is not received by the above due date, or if the final installment payment is not received by \_\_\_\_\_, the defendant is hereby given NOTICE to return to this Court on \_\_\_\_\_ at \_\_\_\_\_.

The total listed above does not include transcript costs and any costs/damages that may be charged if you appeal from this court.

NOTICE: READ PART II ON THE BACK OF THIS FORM FOR MORE STIPULATIONS WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ORDER AND NOTICE.

Entered this 15TH day of NOVEMBER, 2019.

I have asked for and received a copy of this Order and Notice.

(x) Brian D. Hill

DEFENDANT

Ashby R. Pritchett  
CLERK

FORM CC-1379 FRONT 07/19



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Case 4:20-cv-00017-JLK Document 2-1 Filed 03/27/20 Page 4 of 4 Pageid#: 31

**PART I**

I understand that if I provide for payment of a fine or other monies due by a method other than cash and my payment fails, the Clerk will send me a written notice of my failure of payment. A penalty of \$50.00 or 10 percent of the amount of the payment, whichever is greater, may be charged if the method of payment fails.

I further understand that, if I am convicted of driving while my driver's license is suspended or revoked, I may be fined, sentenced to jail, or both.

I understand that upon suspension or revocation of my license, I may not operate a motor vehicle in the Commonwealth of Virginia until:

- (1) All periods of suspension imposed by any Court or the Department of Motor Vehicles have expired, AND
- (2) The Department of Motor Vehicles reinstates my license (if suspended) or issues a new license (if revoked) after:
  - (a) I have paid the reinstatement fee (if any) to the Department of Motor Vehicles, AND
  - (b) I have met all other administrative requirements of the Department of Motor Vehicles.

**PART II**

I understand that if the Court has ordered deferred or installment payments, or community service to pay all or part of the fines and costs, I must make all required payments or perform all community service on time.

I understand that:

- (1) as a condition of this agreement, I must promptly inform the Court of any change of my mailing address during the term of the agreement;
- (2) if the fines, costs, forfeiture, restitution, and/or penalty are not paid in full by the date ordered, that the Court shall proceed according to the provisions of Va. Code § 19.2-358, which state that a show cause summons or capias for my arrest may be issued;
- (3) the amount(s) listed in this agreement may be administratively amended by the Clerk of this Court in the event additional costs should be assessed and if additional costs are assessed, that the Clerk will forthwith issue a notice to me of the total amount due by first class mail to my address of record;
- (4) the Court or Clerk thereof may adjust the final payment date administratively, without further notice, for installment payment agreements, if I fail to make a scheduled payment or for deferred payments, if I fail to pay in full by the date ordered, for the purposes of referring the account for action pursuant to Va. Code § 19.2-358.

I further understand that if the Court does not receive payments as ordered, my case will be referred for collection enforcement action under §§ 19.2-349, 19.2-353.5, 19.2-358, or 58.1-520 through 58.1-534 of the Code of Virginia. If my case is referred for collection enforcement action under § 19.2-349, the amount that I owe and that can be collected will be increased to reflect the additional costs associated with collection action. If any part of the amount due remains unpaid, pursuant to § 19.2-358, I may be subject to a jail sentence of up to 60 days or an additional fine of up to \$500.00.

Pursuant to Va. Code § 19.2-353.5, if interest on outstanding fines and costs owed to this court accrued during a period when I was incarcerated, I may request that the interest that accrued when I was incarcerated be waived by this Court.

This Order and Notice is provided to the Defendant pursuant to Va. Code § 19.2-354. This Order shall not be spread on the Order Book of this Court.

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 04/02/2020 @09:27:59

TESTE: *Jennifer C. Cyprien*  
CLERK/DEPUTY CLERK



AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

Brian David Hill

Plaintiff/Petitioner

v.

Glen Andrew Hall, et al.

Defendant/Respondent

Civil Action No.

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS  
(Long Form)

## Affidavit in Support of the Application

## Instructions

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested. I declare under penalty of perjury that the information below is true and understand that a false statement may result in a dismissal of my claims.

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Signed:

Brian D. Hill  
Signed

Date: 03/26/2020

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly income amount during the past 12 months		Income amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Self-employment	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Income from real property (such as rental income)	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Interest and dividends	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Gifts	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Alimony	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Child support	\$ N/A	\$ N/A	\$ N/A	\$ N/A



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Page 2 of 5

## AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

Retirement (such as social security, pensions, annuities, insurance)	\$ 0.00	\$ N\A	\$ 0.00	\$ N\A
Disability (such as social security, insurance payments)	\$ 783.00	\$ N\A	\$ 783.00	\$ N\A
Unemployment payments	\$ 0.00	\$ N\A	\$ 0.00	\$ N\A
Public-assistance (such as welfare)	\$ 0.00	\$ N\A	\$ 0.00	\$ N\A
Other (specify):	\$ 0.00	\$ N\A	\$ 0.00	\$ N\A
<b>Total monthly income:</b>	<b>\$ 783.00</b>	<b>\$ 0.00</b>	<b>\$ 783.00</b>	<b>\$ 0.00</b>

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
Never employed	Never employed	Never employed	\$ 0.00
Never employed	Never employed	Never employed	\$ 0.00

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
No Spouse	Never married	Never married	\$ 0.00
No Spouse	Never married	Never married	\$ 0.00
No Spouse	Never married	Never married	\$ 0.00

4. How much cash do you and your spouse have? \$ Money in bank account under Direct Deposit minimum requirement for a bank account  
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
SunTrust	Direct Deposit for SSI	\$ 111.01	\$
		\$	\$
		\$	\$

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.



AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Assets owned by you or your spouse	
Home (Value)	\$ 0.00
Other real estate (Value)	\$ 0.00
Motor vehicle #1 (Value)	\$ 0.00
Make and year: No Vehicle, No Home, no real estate owned	
Model:	
Registration #:	
Motor vehicle #2 (Value)	\$
Make and year:	
Model:	
Registration #:	
Other assets (Value)	\$ 0.00
Other assets (Value)	\$ 0.00

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
0	\$ 0.00	\$ 0.00
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name (or, if under 18, initials only)	Relationship	Age
N/A	N/A	



AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (including lot rented for mobile home) Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No	\$ 500.00	\$ N/A
Utilities (electricity, heating fuel, water, sewer, and telephone) Included in rent	\$ 0.00	\$ N/A
Home maintenance (repairs and upkeep)	\$ 0.00	\$
Food	\$ 15.00	\$
Clothing between \$0-\$100	\$ 100.00	\$
Laundry and dry-cleaning	\$ 5.00	\$
Medical and dental expenses Medicaid	\$ 0.00	\$
Transportation (not including motor vehicle payments) Mother drives me places	\$ 0.00	\$
Recreation, entertainment, newspapers, magazines, etc.	\$ 30.00	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's: N/A	\$ 0.00	\$
Life: N/A	\$ 0.00	\$
Health: N/A	\$ 0.00	\$
Motor vehicle: N/A	\$ 0.00	\$
Other: N/A - Medicaid is benefit program	\$ 0.00	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ 0.00	\$
Installment payments		
Motor vehicle: N/A	\$ 0.00	\$
Credit card (name): N/A - Never owned credit	\$ 0.00	\$
Department store (name): N/A - Do not owe any Department store	\$ 0.00	\$
Other: N/A	\$ 0.00	\$
Alimony, maintenance, and support paid to others	\$ 0.00	\$



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Page 5 of 5

AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0.00	\$ N/A
Other (specify): Misc. Legal Expenses towards federal/state criminal cases	\$ 100.00	\$ N/A
<b>Total monthly expenses:</b>	<b>\$ 750.00</b>	<b>\$ 0.00</b>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?  
☐ Yes ☒ No If yes, describe on an attached sheet.
10. Have you spent — or will you be spending — any money for expenses or attorney fees in conjunction with this lawsuit? ☒ Yes ☐ No  
If yes, how much? \$ 0-100
11. Provide any other information that will help explain why you cannot pay the costs of these proceedings.  
Only source of income is SSI disability. Limited monthly income, a fixed income. I am disabled however I have to file this lawsuit to protect my SSI benefits from garnishment, execution, or any other legal process.
12. Identify the city and state of your legal residence.  
Martinsville, Virginia

Your daytime phone number: (276) 790-3505

Your age: 29 Your years of schooling: High School is the highest education

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 04/02/2020 @12:03:49

TESTE:

CLERK/DEPUTY CLERK

By FAX

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.

ORDER

Case No. CR19000009-00

BRIAN DAVID HILL

UPON CONSIDERATION of the defendant's Emergency Motion to Discharge the Legal Fees, it is ORDERED that said motion is hereby DENIED.

ENTER: This 2<sup>nd</sup> day of April, 2020.



Judge

Endorsement of Counsel is dispensed with – Rule 1:13



4/7/2020

4:14:11 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/ 14

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

v.

**BRIAN DAVID HILL,**  
**Defendant,**

Criminal Action No. CR19000009-00

NOTICE OF APPEAL

**NOTICE OF APPEAL**

Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See et seq. #77, Date: 04/02/2020, Type: ORDER, Party: TTM, Judge: GCG, Remarks: DENIED MOT-DISCHARGE F/C) entered in this action on the 2nd day of April, 2020. Brian will also file an Emergency Motion for Stay of Execution of Judgment to prevent this Circuit Court from violating Federal Law under 42 U.S. Code § 407. "Assignment of benefits".

\_\_\_\_\_  
 \*Appellant in the case would be the Commonwealth Attorney of Martinsville, Virginia, Glen Andrew Hall, Esq.

It is wrong that the Circuit Court of Martinsville seems to love to extort money out of an SSI disability dependent, a poor person who is on Medicaid. This court seems to believe that it is absolutely okay to violate Federal Law, to enrich the



blood sucking lawyers, you can't get blood from a turnip. The lawsuit against the Hon. Judge Giles Carter Greer will continue through appeal in the Danville Federal Courthouse all the way up to the U.S. Supreme Court, to block this Court from violating Federal Law and violating Supreme Court precedent. Brian will also tell the media how he is being bullied by the InJustice System into giving up his federally protected SSI benefits by a cruel and cold State Court system.

For the wrongdoings being done to him, he will appeal this upward and all the way up the Supreme Court if he has to. He will seek justice. Plaintiff hopes that with Qanon, that it is now time for the cabal/elite to be arrested for their crimes and for Brian David Hill to finally be given justice once and for all, for all of his rights to be restored, the very rights that he was deprived of by the State and Federal Courts over and over again, all of these years. Hail the Hon. Donald Trump and the Qanon/Alliance, Drain the Swamp! Hail the U.S. Military alliance in their bid to arrest the Deep State Swamp.

The Bilderbergs, the FreeMasons, the elite globalist establishment, and any other corrupt cabal groups will not continue their plundering of the poor and cheating of the poor and lying about the poor through usage of the judicial system. Jesus Christ had something to say about lawyers. Yes this applies to Matthew Scott Thomas Clark, Lauren McGarry, Eric Monday, et al.

## **Luke 11:45-52 English Standard Version (ESV)**

<sup>45</sup> One of the lawyers answered him, "Teacher, in saying these things you insult us also." <sup>46</sup> And he said, "Woe to you lawyers also! For you load people with burdens hard to bear, and you yourselves do not touch the burdens with one of your fingers. <sup>47</sup> Woe to you! For you build the tombs of the prophets whom your fathers killed. <sup>48</sup> So you are witnesses and you consent to the deeds of your



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

fathers, for they killed them, and you build their tombs. <sup>49</sup> Therefore also the Wisdom of God said, 'I will send them prophets and apostles, some of whom they will kill and persecute,' <sup>50</sup> so that the blood of all the prophets, shed from the foundation of the world, may be charged against this generation, <sup>51</sup> from the blood of Abel to the blood of Zechariah, who perished between the altar and the sanctuary. Yes, I tell you, it will be required of this generation. <sup>52</sup> **Woe to you lawyers! For you have taken away the key of knowledge. You did not enter yourselves, and you hindered those who were entering.**"

Proverbs 17:15 ESV / 25 helpful votes

"He who justifies the wicked and he who condemns the righteous are both alike an abomination to the Lord."

Filed this Notice of Appeal, copy may be mailed to the Court of Appeals of Virginia. Then Brian shall file an emergency motion for stay of execution of the unlawful garnishment of Brian David Hill's SSI disability.

Filed with the Honorable Circuit Court of Martinsville, this the 7th day of April, 2020.

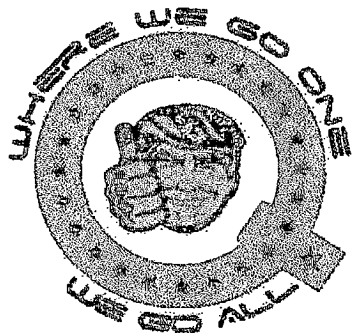
Signed,

Brian D. Hill  
*Signed*

**U.S.W.G.O.**

Brian David Hill – Ally of  
Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt. 2  
Martinsville, Virginia  
24112  
(276) 790-3505

*Pro Se Appellant*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of April, 2020, I caused this "NOTICE OF APPEAL" to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney's Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia 24112  
(276) 403-5470  
*Counsel for Plaintiff*

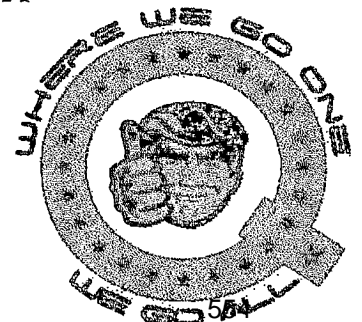
Signed,

*Brian D. Hill*  
*Signed*

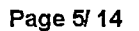
**U.S.W.G.O.**

Brian David Hill – Ally of  
Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt. 2  
Martinsville, Virginia  
24112  
(276) 790-3505

*Pro Se Appellant*



*help me*  
*Qanon-enemy attacking/hurting me.*



555



will instead enrich the finances of the corrupt Commonwealth Attorney Glen Andrew Hall, Esq., as well as enrich Matthew Scott Thomas Clark the court appointed lawyer of Martinsville who did nothing to defend his client in violation of the Sixth Amendment of the U.S. Constitution, and enrich Lauren McGarry or the Public Defender Office off of the backs of slaves. Forcing disabled people to lose their SSI money when no restitution is even ordered but simply fees to pay lawyers is to be slaves to the Commonwealth of Virginia is cruel and unusual punishment. It is slavery when federally protected benefits is mandated to be taken away from a mentally/physically disabled/handicapped person out of the cause of ineffective assistance of counsel who could have won the case and ended all of this.

The Hon. Giles Carter Greer, Matthew Scott Thomas Clark, Lauren McGarry, and Glen Andrew Hall didn't respect the case law precedent of the United States Supreme Court (See *Washington State Dep't of Social & Health Servs v Guardianship Estate of Keffeler*, 537 US 371; 123 S Ct 1017; 154 L Ed 2d 972 (2003)) guaranteeing that even state criminal case proceedings cannot be used as an excuse to garnish SSI disability when it is the only source of income to live off of and pay rent, even though that case was the issue of garnishment when that criminal defendant owed restitution. In this case, Plaintiff owes no restitution, and was not fined. It was simply the legal fees of both the prosecution attorney and defense attorneys, and the legal fees can and will be over \$1,000, maybe could even extend past \$5,000. Plaintiff shouldn't be financially punished by the State Courts with no victims as the Federal Courts did not ever attempt to make him pay the attorney fees of the United States Attorney and Federal Public Defender Office in federal criminal allegations. As long as Brian's only source of income is his



protected federal benefits, he is entitled under the federal law to protection of his federal protected benefits which includes Supplemental Security Income ("SSI").

The Hon. Jackson Kiser of this court, the Hon. Giles Carteer Gree of the Martinsville Circuit Court, attorney Glen Andrew Hall, attorney Lauren McGarry, and attorney Matthew Scott Thomas Clark does not have the authority to override the United States Supreme Court. They are not above the law. That was also outlined by Christopher Julian who also argued that Hon. Jackson Kiser is not above the law.

Plaintiff will make the smart decision and appeal it to the highest court of the land and explain to the Supreme Court that the decision by Jackson Kiser contradicts precedent of the Supreme Court. See Renee G. Julian and Christopher B. Julian v. James Rigney, et al. (4:13-cv-00054), Date Filed: Sept. 16, 2013. Usually only Federal Courts have the power to interpret federal law. Why is the Plaintiff having to ask the State Court not to violate Federal Law here? Federal Courts are supposed to enforce Federal Laws. Is Plaintiff really wrong here to have filed suit simply asking for a State Court not to enforce an action that violates federal law?

Brian had already been punished enough from the carbon monoxide gas poisoning since November, 2017, until September 21, 2018, and is continually being punished by both the Federal Court in Winston-Salem, North Carolina and the Virginia State Court over Brian being a victim of carbon monoxide. Hasn't Brian suffered enough already? Now his SSI, his federally protected benefits are to be garnished to pay the corrupt attorneys'/Defendants' fees or Brian goes to jail if he cannot afford to pay out of his limited SSI money from the Federal Government which is cruel and unusual punishment and contradicts the U.S. Supreme Court. Martinsville, Virginia is far more evil than Righthaven, LLC who tried to extort \$6,000 and garnish his SSI to settle with Righthaven, LLC for copyright



infringement in Colorado Federal Court. They do not care about somebody being dependent on SSI disability when that is his only source of monthly income and is on Medicaid. The City of Martinsville gets plenty of money from the NASCAR races that are twice a year. Why do they need to get blood from a turnip?

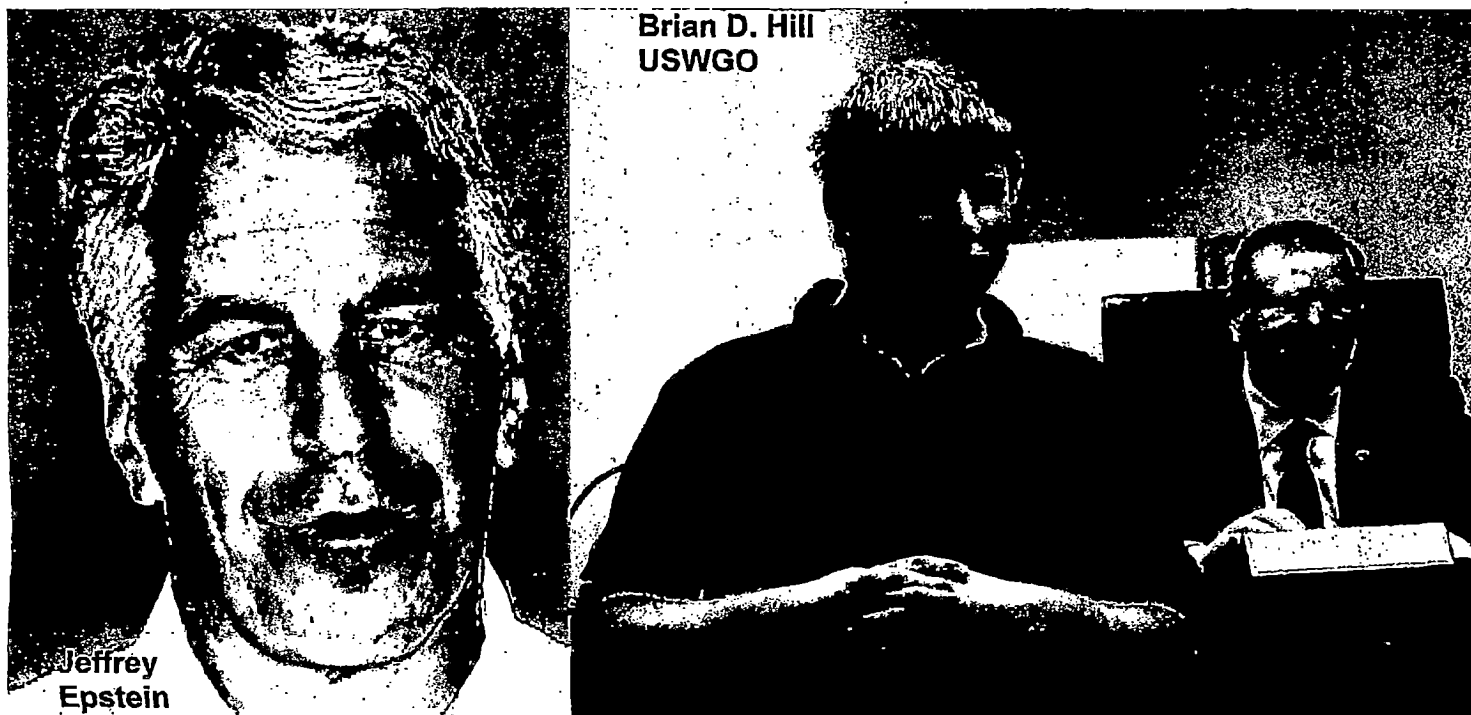
The bullying of the poor, elderly, and disabled from the Deep State Swamp of the judicial system will not stand once America is taken back by the Nationalists like the Honorable U.S. President Donald John Trump from the Globalists of the New World Dis-Order. The Bilderbergs, the Rockefellers, the Rothschilds, the Free-Masons, none of them will control our system of Government any longer once Donald Trump and the patriots makes the mass arrests. Trump can and will indict, and arrest the traitors of the Deep State Swamp all over America and end the suffering of humanity caused by the Obama/Bush/Clinton stay-behind networks of the U.S. Department of Justice, the same group of people that allowed Jeffrey Epstein (who did NOT kill himself but was murdered in a Federal Bureau of Prisons sanctioned facility in Manhattan, New York) to only face 13 months in a jail and was allowed to leave for work and was living in the private wing of the jail. So Jeffrey Epstein was essentially given a tax payers paid for hotel room and was able to have sex with models and rape them if he wanted and sexually abuse more children instead of living in the hardcore prison type of environment and treatment that regular citizens are incarcerated under on a day-to-day basis. Jeffrey Epstein had molested likely hundreds to thousands of underage girls and impregnated them with his seed, and yet he was given less harsh punishments than what had happened collectively to Autistic man and Plaintiff Brian D. Hill through the State and Federal cases who is a victim of a carbon monoxide poisoning attempt as documented by chimney expert Pete Compton and didn't molest a single person and was called a danger to the community by the corrupt Assistant



U.S. Attorney Anand Prakash Ramaswamy who that same jerk was the suspect of federal violation of obstruction of justice in my FOIA lawsuit that was filed in in this same court, as well as corrupt elements of the U.S. Probation Office including Kristy L. Burton who is a corrupt element of the Danville, U.S. Probation Office. That while Jeffrey Epstein who had molested and raped hundreds of underage girls was not considered a danger to the community to the same extent as was considered against Brian D. Hill, over any behaviors caused by his Autism Spectrum Disorder and the Carbon Monoxide gas poisoning. There are major miscarriages of justice going on in the Western District of Virginia as well as the Middle District of North Carolina. The U.S. Probation Office in Danville considered Brian's autistic meltdown more of a danger to the community than Jeffrey Epstein who was convicted in another court when he was molesting tons of underage girls, trafficking underage girls and having the reputation of running a "Pedophile Island" in the St. James Island in the Caribbean? The Circuit Court wants to unlawfully extort out of Plaintiff's SSI after they considered Brian's abnormal and strange behavior of walking around naked late at night on a walking trail (not a public park trail) and never masturbated and hasn't ever repeated such behavior, was also used to have caused the Winston-Salem, NC Federal Court to consider Brian a danger to the community when he molested nobody and never approached anybody of the public while naked at night on a walking trail filled with hills and trees and got seen by a vehicle on one part of the trail where there was a road going downward which was Hooker Street (likely the name of that street came from Hooker furniture company in Martinsville), so nobody from Burger King can see anybody from the spot where the trail was.



**So autistic man Brian was considered more of a danger to the community than serial-pedophile-and-rapist Jeffrey Epstein?** What has happened to justice in this Court?



**Is autistic man and virgin Brian D. Hill of USWGO Alternative News more of a danger to the community than pedophile Jeffrey Epstein a serial child molester?**

Now Brian is being coerced to pay thousands of dollars of attorney fees including his defense attorney fees even though his own defense attorneys betrayed him, lied to him, and lied to his family. Federal Law doesn't seem to be enforced anymore, where is Congress to stop the violations of federal law by the states? It is interesting how Brian must lose his SSI to be garnished or transferred to the Defendants' benefit when Martinsville Police refused to investigate any evidence mailed to them (Exhibit 2 — Document #2, Attachment #2), and Sovah Hospital was allowed to destroy blood vials that would have shown the levels of carbon monoxide gas poisoning (Spoliation of evidence and medical neglect) and thus had



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the blood vials never been destroyed then Brian never would have been convicted of indecent exposure by his corrupt lawyer Matthew Scott Thomas Clark of Martinsville, Virginia, begging him to withdraw his appeal and refused to fight for him who will also personally financially benefit out of such court ordered garnishment. Brian keeps suffering miscarriages of justice in courts because he is not a Freemason or a Bilderberg Group member, he does not belong to an elite family, he doesn't sacrifice anybody to the stone demi-god named Moloch, he is not belonging to the Bilderberg Group or Council on Foreign Relations, he is not a servant of the devil, and so Brian is being treated like a second class citizen in his own country and is not being entitled to any of his constitutionally protected rights and federally protected rights as well as his federally protected SSI benefits.

For the wrongdoings being done to him, he will appeal this upward and all the way up the Supreme Court if he has to. He will seek justice. Plaintiff hopes that with Qanon, that is time for the cabal/elite to be arrested for their crimes and for Brian David Hill to finally be given justice once and for all, for all of his rights that he was deprived of by the State and Federal Courts over and over again, all of these years. Hail the Hon. Donald Trump and the Qanon/Alliance, Drain the Swamp!

Respectfully filed with the Court, this the 4th day of April, 2020.

Respectfully submitted,

Brian D. Hill  
*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter  
I stand with QANON/Donald-Trump – Drain the Swamp  
I ask Qanon and Donald John Trump for Assistance (S.O.S.)  
Make America Great Again  
Friend's justice site: [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

Plaintiff also requests with the Court that a copy of this pleading be served upon the Defendants' as stated in 28 U.S.C. § 1915(d), that "The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases". Plaintiff requests that copies be served with the Defendants' via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if any of the Defendants' consents, or upon U.S. Mail. Thank You!

#### CERTIFICATE OF SERVICE

Plaintiff hereby certifies that on April 4th, 2020, service was made by mailing the original of the foregoing:

"NOTICE OF APPEAL"

by deposit in the United States Post Office, in an envelope, Postage prepaid, on April 4, 2020 addressed to the Clerk of the Court in the U.S. District Court, for the Western District of Virginia, P.O. Box 1400, Danville, VA 24543.



Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notice of such filing to the following registered CM/ECF users:

<p>Glen Andrew Hall, Esq., in his official capacity Commonwealth Attorney of Martinsville, Virginia 55 West Church Street Martinsville, Virginia 24112 Telephone: 276-403-5470 E-mail Address: ahall@ci.martinsville.va.us</p>	<p>Giles Carter Greer, Esq. Judge of Martinsville Circuit Court, in his official capacity 55 West Church Street Martinsville, Virginia 24112 Phone: 276-403-5106 (Not direct phone number but no. of Clerk) E-mail Address: cgreer@ci.martinsville.va.us</p>
<p>Matthew Scott Thomas Clark, Esq. Attorney, in his official capacity 711B Starling Ave Martinsville, Virginia 24112 Telephone: (276) 634-4000 E-mail Address: matthewstclarklaw@gmail.com</p>	<p>Lauren McGarry, Esq. Martinsville Public Defender Office, in her official capacity 10 E Main St. Martinsville, Virginia 24112 Phone: (276) 666-2206 E-mail Address: lmcgarry@mar.idc.virginia.gov</p>

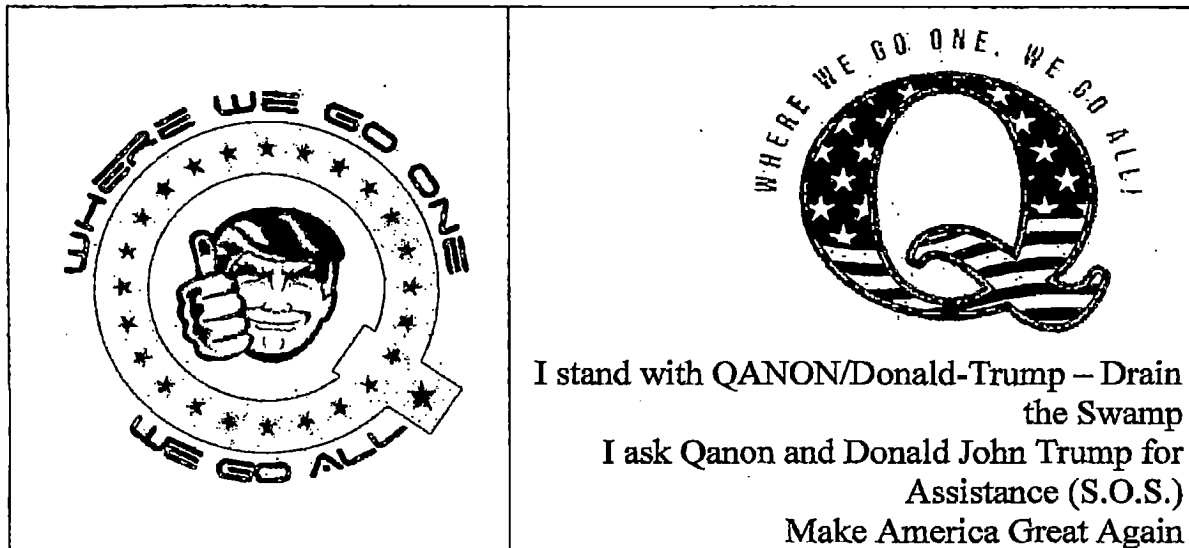
This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

<p>Date of signing:</p> <p><u>April 3, 2020</u></p>	<p>Respectfully submitted,</p> <p><u>Brian D. Hill</u></p> <p><i>Signed</i> Signed</p> <p>Brian D. Hill (Pro Se)</p> <p>310 Forest Street, Apartment 2</p> <p>Martinsville, Virginia 24112</p> <p>Phone #: (276) 790-3505</p> <p><b>U.S.W.G.O.</b></p>
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Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Case 4:20-cv-00017-JLK Document 5 Filed 04/06/20 Page 10 of 10 Pageid#: 146



No Certified Mail tracking no. I trust God will get this filing where it needs to be.

Friend's justice site: [JusticeForUSWGO.wordpress.com](https://JusticeForUSWGO.wordpress.com)

Trust The Plan. Qanon



4/7/2020

4:57:12 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/ 1

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax &amp; Voice (http://www.ventafax.com)

Transmission ticket for Fax ID: 276-790-3505

Date: 4/7/2020

Number of pages: 14

Attn.: Glen Andrew Hall, Esq.

Recipient's number: T1-276-403-5478

Filename: C:\ProgramData\Venta\VentaFax &amp; Voice 6\Out\Notice of Appeal to Giles Error Correction: Yes! 2nd(3) Signed (2020-04-07).tif

File description: Notice of Appeal to Giles Carter Greer on April 2nd(3) Signed.pd Resolution: 200\*200 dpi

Recipient's Fax ID: 12764035478

Record number: 8158

Rate: 14400 bps

Time: 4:28:45 AM

Session duration: 12:58

To: Commonwealth Attorney

Message type: Fax

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

v.

**BRIAN DAVID HILL,**  
**Defendant,**

Criminal Action No. CR19000009-00

## NOTICE OF APPEAL

## NOTICE OF APPEAL

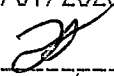
Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See et seq. #77, Date: 04/02/2020, Type: ORDER, Party: TTM, Judge: GCG, Remarks: DENIED MOT-DISCHARGE F/C) entered in this action on the 2nd day of April, 2020. Brian will also file an Emergency Motion for Stay of Execution of Judgment to prevent this Circuit Court from violating Federal Law under 42 U.S. Code § 407. "Assignment of benefits".

\_\_\_\_\_  
 \*Appellant in the case would be the Commonwealth Attorney of Martinsville, Virginia, Glen Andrew Hall, Esq.

It is wrong that the Circuit Court of Martinsville seems to love to extort money out of an SSI disability dependent, a poor person who is on Medicaid. This court seems to believe that it is absolutely okay to violate Federal Law, to enrich the

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 04/07/2020 @09:21:36

TESTE: 

~~CLERK/DEPUTY CLERK~~

*day fary*

4/8/2020

2:14:58 PM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/ 13

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

v.

**BRIAN DAVID HILL,**  
**Defendant,**

Criminal Action No. CR19000009-00

Civil Action No. CL20000089-00

Civil Action No. CL19000331-00

**MOTION TO DISQUALIFY THE**  
**HON. GILES CARTER GREER**  
**FROM ANY FURTHER**  
**PARTICIPATION IN THE**  
**CASE(S)**

**MOTION TO DISQUALIFY THE HON. GILES CARTER GREER**  
**FROM ANY FURTHER PARTICIPATION IN THE CASE(S)**

Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case(s), respectfully asks this Honorable Court to grant this motion to recuse/disqualify the Honorable Giles Carter Greer, Circuit Court Judge from any further participation in this case, as well as in the cases of Commonwealth v. Brian David Hill, Petition for Error Coram Vobis, Case Number: CL20000089-00; and Brian David Hill v. Commonwealth, Case Number: CL19000331-00, Petition for Writ of Habeas Corpus.

**BRIEF AND SUPPORTING FACTS – STATEMENT OF FACTS**

1. On March 27, 2020, Brian had filed a Federal lawsuit against the Hon. Giles Carter Greer in Federal Court, for attempting to have the Circuit Court unlawfully garnish or attempt the unlawful garnishment of Brian David Hill's SSI disability. The lawsuit complaint was filed in the Circuit Court on



record. The "NOTICE OF LAWSUIT" was filed in all three cases where the Hon. Giles Carter Greer resides as judicial officer. See the following cases where the "NOTICE OF LAWSUIT" was filed:

1. See et Seq. #62, Date Filed: 03/26/2020, Type: NOTICE, Party: ERH, and Remarks: NOTICE OF LAWSUIT in case no. CR19000009-00;
  2. See Date Filed: 03/26/20, Type: Notice, Party: ERH, Remarks: NOT OF LAWSUIT in case no. CL19000331-00;
  3. See Date Filed: 03/26/20, Type: Notice, Party: ERH, Remarks: NOTICE OF LAWSUIT in case no. CL20000089-00.
2. Brian had also filed a Writ of Mandamus against the Hon. Giles Carter Greer because (1) he is attempting to unlawfully garnish the SSI benefits of Brian in excess of jurisdiction, and (2) he rules on some pro se motions and yet refuses or fails to rule on other pro se motions:
1. On the date of 11/25/2019, under et seq. #42, the Hon. Giles Carter Greer ordered the MOTION under et seq. #41 "VACATE FRAUD BEGOTTEN JUDG" to be denied.
  2. On the date of 04/02/2020, under et seq. #77, the Hon. Giles Carter Greer ordered the MOTION dated 03/31/2020 under et seq. #70 "TO DISCHARGE LEGAL FEES" to be denied.
  3. However, as far as the date of the filing of this disqualification/recusal motion, the Hon. Giles Carter Greer did not make any decision and has taken no action



on the MOTION dated 03/16/2020 under et seq. #58 "TO PROCEED PRO SE ON APPLS".

4. However, as far as the date of the filing of this disqualification/recusal motion, the Hon. Giles Carter Greer did not make any decision and has taken no action on the MOTION dated 03/16/2020 under et seq. #59 to "WAIVING LEGAL FEES".

3. The Hon. Giles Carter Greer has shown a disrespect for Federal Law, and does not wish to conform to the Federal Laws of the United States. In contradiction to the Federal Supremacy Clause of the United States Constitution. Also a disrespect for the evidence supporting a motion. The evidence filed by Brian David Hill on a pro se basis is being entirely ignored. As long as any of the evidence that Brian has filed complies with the Rules of Evidence of the Rules of the Supreme Court of Virginia, as well as complies with the evidence statutes, the Hon. Giles Carter Greer should have respected the evidence the exact same way as if it were filed by an Attorney. Not all pro se filers file meaningless and frivolous pleadings. As long as a pro se motion is well grounded in law, the Judge should treat it the exact same way as he would a pleading by an attorney. This judge ignored the filed evidence in attachment to the MOTION dated 03/31/2020 under et seq. #70 "TO DISCHARGE LEGAL FEES". See pg. 11 to pg. 15 of that filing. That had contained a true and correct photocopy of the federal affidavit to proceed in forma pauperis, that was filed in the Federal Lawsuit. That same affidavit was accepted as evidence sufficient of in forma pauperis by the Clerk of the Supreme Court of Virginia, which was why the Writ of Mandamus had been filed and accepted for filing by the highest Court in Virginia. Then the pg. 16 through pg. 33 shows evidence of ineffective



assistance of counsel of Matthew Scott Thomas Clark, that an Attorney Ryan Edward Kennedy from West Virginia who is also the Mayor of Clarksburg, West Virginia, had argued before the U.S. Court of Appeals for the Fourth Circuit, in Richmond, Virginia, that Brian David Hill was innocent of the Virginia state charge of indecent exposure all along because the Government/Commonwealth had no evidence of obscenity and had no evidence of any intent necessary to convict Brian David Hill under the statute. It proved that Brian had a bad lawyer (referring to Matthew Clark) when compared with Attorney Ryan Edward Kennedy, and that Brian has \$33 left from his monthly \$783 of his monthly SSI benefits after the monthly general expenses reported in the affidavit. Of course the affidavit wasn't the only evidence documented. The exhibits in the MOTION dated 03/16/2020 under et seq. #59 to "WAIVING LEGAL FEES", also shows his bank account statement and rent-check stubs proving that his expenditures make it impossible for Brian to comply with the earlier court order that Brian David Hill pay monthly installments of \$300 every month under PAYMENT AGREEMENT PLAN, et seq. #44, date filed: 11/15/2019. It would bankrupt Brian and place him in debt and it is in violation of federal law to garnish the only source of income when that income is the Supplemental Security Income ("SSI") of Brian David Hill, as protected by 42 U.S. Code § 407. Judge Giles Carter Greer had ignored the evidence of a copy of a validly filed federal court document, the same copy of the court document filed with the Writ of Mandamus that was accepted by the Clerk of the Supreme Court of Virginia as enough evidence constituting waiver of the required \$50 filing fee, and allowed Brian to proceed in forma pauperis. The Supreme Court of this state accepted a copy of that federal application to proceed in forma pauperis document of the Writ of Mandamus for filing



but that same document was ignored by the Hon Giles Carter Greer. He ignored other evidence as well, and has disregarded and has disrespected federal law.

4. The Hon. Giles Carter Greer had refused to allow Brian to proceed pro se blocking him from attempting to perfect his appeal in the Court of Appeals of Virginia. Knowing that his court appointed lawyer---Matthew Scott Thomas Clark, had openly ignored his ethical obligations and is refusing to discuss the appeal with his client and is refusing to have any form of communication with his client. The filings to this court bring this up, and yet the Hon. Greer has continually ignored his pro se motion to proceed pro se and remove Matthew Clark as counsel. This Judge is practically forcing Brian to have an attorney that is violating ethics, violating rules of professional conduct, and is violating the Sixth Amendment of the United States Constitution. See *Fitzgerald v. Bass*, 6 Va. App. 38, 40 (Va. Ct. App. 1988) (“(10) Right to Counsel — Effective Assistance of Counsel — Standard. — An accused has a right to effective assistance of counsel...”), citation omitted. Matthew Clark is refusing to communicate with Brian, has been named as a defendant in the “NOTICE OF LAWSUIT” in the very same Federal lawsuit that the Hon. Giles Carter Greer is a defendant of. Yet this Judge still ignores the motion to proceed pro se despite the conflict of interest of a client suing his own attorney and denied the motion to discharge the legal fees at a later time, and while still ignoring the Motion to Waive Legal Fees or Not Enforce Them. Any motion that benefits the party: Brian David Hill in any way is either fully ignored or denied. Seems like this Judge has an inherit bias or prejudice to Brian David Hill; or that this Judge has an inherit bias or prejudice to pro se filers. This Judge has deprived Brian David Hill of due process, and has refused to allow him to represent



himself in the case on appeal, causing Brian to lose his right to direct appeal and further lose his right to even perfect the appeal. All of his constitutional rights under the Judicial System has been taken away by Matthew Scott Thomas Clark, Brian's court appointed lawyer, while the Hon. Giles Carter Greer refuses to relieve Brian of the very lawyer causing him such pain, suffering, and irreparable injury/harm.

### ARGUMENT

The Hon. Giles Carter Greer knew that Brian David Hill had defective/ineffective counsel that is refusing to even withdraw himself from the case and yet this same Judge ignores his motion to proceed pro se on the appeals, this Judge will not allow Brian to even withdraw his own counsel and proceed pro se. This judge was sued in Federal Court in late-March and was also named in Brian's Writ of Mandamus relief action, and this Judge continually ignores all evidence from Brian David Hill, ignores case law from Brian David Hill, and denies any and all motions from Brian David Hill regardless of whether or not they may be well-grounded in law. This is discriminatory, prejudice, or bias. It is a discriminatory practice.

This Judge has also ignored evidence, ignored the merits, and disregarded the legal protections of Brian David Hill's Supplemental Security Income under federal law, and has disregarded that Brian's federal in forma pauperis affidavit that was filed in the Supreme Court of Virginia (was accepted for Writ of Mandamus) and in the Circuit Court shows that Brian cannot afford to pay the monthly installments that was set forth by the Circuit Court in the payment plan.



The facts demonstrated in this motion show that this Judge is named in a Federal Lawsuit for trying to unlawfully garnish the SSI federally protected benefits of Brian David Hill while forcing him to pay monthly installments of \$300 a month or face up to 60 days of imprisonment for failure to pay, essentially a debtors prison. Even though this country is in the middle of a CoronaVirus plague pandemic, COVID-19, this Judge rather disregard the evidence that Brian has insufficient funds to pay the legal fees ordered on November 15, 2019, and disregard the case law that garnishment of Brian's SSI is unlawful under Federal Law. That Judge is named as the main defendant in the lawsuit complaint in Federal Court. Brian felt the need to sue such a Judge out of fear that this Judge is disregarding Federal Law and Supreme Court and state case law precedent regarding the Social Security Act federal law blocking a state court from coercing the transferring of a criminal defendant's SSI disability to pay a legal fee. The Hon. Giles Carter Greer knows that it is illegal for any Court including a State Court to garnish the SSI of Brian David Hill when no child support/alimony is ordered, no restitution is ordered, and no fines were ever ordered. The Hon. Greer rather break the law than respect the pro se filings and evidence of Brian David Hill.

The state case law and the adopted Rules of the "CANONS OF JUDICIAL CONDUCT FOR THE COMMONWEALTH OF VIRGINIA" require that the Hon. Giles Carter Greer be disqualified from any further participation in this case. See Davis v. Com, 21 Va. App. 587, 590-91 (Va. Ct. App. 1996) ("Canon 3(C) of the Canons of Judicial Conduct, which guides our decision in this matter, provides: C. Disqualification. (a) A judge shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned. (1) To this end, he should abstain from performing or taking part in any judicial act in which his personal



interests are involved. He should not act in a controversy where a near relative is a party. He should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor, or that he is affected by his kinship, rank, position or influence of any party or other person. (2) A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household. The requirement of this Canon is clear; a judge must diligently avoid not only impropriety but a reasonable appearance of impropriety as well. Exactly when a judge's impartiality might reasonably be called into question is a determination to be made by that judge in the exercise of his or her sound discretion. *Justus v. Commonwealth*, 222 Va. 667, 673, 283 S.E.2d 905, 908 (1981), cert. denied, 455 U.S. 983, 102 S.Ct. 1491, 71 L.Ed.2d 693 (1982). Judges are presumed to be aware of the provisions of Canon 3, and their decisions will not be disturbed absent an abuse of that discretion.”)

A judge should be disqualified from a case when “he should abstain from performing or taking part in any judicial act in which his personal interests are involved”. Once Brian had sued this Judge under a Federal Court, a separate action, which the financial interests of his protected SSI benefits are at stake, this Judge is in conflict of interest since he is named as a defendant in a Federal Lawsuit concerning Brian David Hill being a plaintiff of such lawsuit.

Black Law Dictionary, 9<sup>th</sup> Edition: recusation (rek-ya-zay-shan). 1. Civil law. An objection, exception, or appeal; esp. an objection alleging a judge's prejudice or conflict of interest. [Cases: Judges 39-56.] 2. RECUSAL.

Black Law Dictionary, 9<sup>th</sup> Edition: recuse (ri-kyooz), vb. (16c) 1. To remove (oneself) as a judge in a particular case because of prejudice or conflict of interest <the judge recused himself from the trial>. [Cases: Judges 39-56.] 2. To challenge



or object to (a judge) as being disqualified from hearing a case because of prejudice or a conflict of interest <the defendant filed a motion to recuse the trial judge>.

Black Law Dictionary, 9<sup>th</sup> Edition: conflict of interest. (1843) 1. A real or seeming incompatibility between one's private interests and one's public or fiduciary duties. 2. A real or seeming incompatibility between the interests of two of a lawyer's clients, such that the lawyer is disqualified from representing both clients if the dual representation adversely affects either client or if the clients do not consent. See Model Rules of Prof'l Conduct 1.7(a).

The reason why such conflicts of interest normally require disqualification is because a Circuit Court Judge may retaliate after being named as a defendant in a Federal Lawsuit that was filed by a party in the same case that Judge presides over, a Judge may levy actions in the state case to avoid being held accountable in Federal Court after such lawsuit was filed and the Judge was notified of being a party to such suit. To prevent retaliation type behavior of a judicial officer, any conflicts of interest should require disqualification from further participation in the case.

Citing CANON 3. - CANONS OF JUDICIAL CONDUCT FOR THE COMMONWEALTH OF VIRGINIA:

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY. A. Judicial Duties in General.--The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply. B. Adjudicative Responsibilities. --(1) A judge shall hear and decide promptly matters assigned to the judge except those in which disqualification is required. (2) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism. (3) A judge shall require order, decorum, and civility in proceedings before the judge.



When a judge in a particular case disregards and disrespects federal law under 42 U.S. Code § 407, disregards and disrespects the case law Washington State Dep't of Social & Health Servs v Guardianship Estate of Keffeler, 537 US 371; 123 S Ct 1017; 154 L Ed 2d 972 (2003); and In re Robby Lampart, Case No. 315333 (2014), State of Michigan, Court of Appeals; the Hon. Judge Greer is not respecting the law in violation of Canon 3. The Judge ignoring pro se motions selectively while denying pro se motions. It is selective enforcement. This judge has ignored the Motion/Petition for the Writ of Error Coram Vobis under case no. CL20000089-00, and yet denied the Petition for the Writ of Habeas Corpus prematurely under case no. CL19000331-00.

The Judge doesn't even give an opinion as to why he denied the Writ of Habeas Corpus and as to why he would deny a motion to discharge the legal fees. Both of those orders appear to be using the similar formal denial template. The Judge offers no opinions and offers no facts and case law that the Judge would be relying upon for his orders.

It is clear that this Judge is acting with the appearance of impropriety at best, a conflict of interest at worst.

Keeping this Judge in this case creates a partiality, a prejudice or bias, a lack of integrity in the judicial machinery. It shows that the Judge in this Circuit Court has a disrespect for Federal Law and that they have a disregard for evidence and a disregard of case law.

If this Judge continues being assigned to this case for judicial review, then this Judge can do more damage and cause more irreparable harm, and clog up the Appeals courts with many different appeals for every denial and clog up the Supreme Court of Virginia with multiple Writs of Mandamus for every inaction or



every excess of jurisdiction or for refusing to act on a pending motion where he should act and ought to act. Yes, the usual procedures for non-favorable judicial actions for decisions to be appealed by a party dissatisfied with a judicial decision. However when a Judge has an inherit prejudice or bias, and/or is in conflict of interest, it does warrant disqualification from a case.

### CONCLUSION

For the Foregoing reasons stated above, the Defendant Brian David Hill asks that this Honorable Court grant this motion and disqualify/recuse the Hon. Giles Carter Greer from any further participation in this case.

Filed with the Honorable Circuit Court of Martinsville, this the 8th day of April, 2020.

Signed,

Brian D. Hill  
Signed

**U.S.W.G.O.**

Brian David Hill – Ally of

Qanon

Founder of USWGO

Alternative News

310 Forest Street, Apt. 2

Martinsville, Virginia

24112

(276) 790-3505

*Pro Se Appellant*



Qanon S.O.S.  
help me!



**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of April, 2020, I caused this "MOTION TO DISQUALIFY THE HON. GILES CARTER GREER FROM ANY FURTHER PARTICIPATION IN THE CASE(S)" to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney's Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia 24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

*Brian D. Hill*  
*Signed*

**U.S.W.G.O.**



Brian David Hill – Ally of  
Qanon  
Founder of USWGO  
Alternative News  
310 Forest Street, Apt. 2  
Martinsville, Virginia  
24112  
(276) 790-3505

*Pro Se Appellant*





Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (<http://www.ventafax.com>)

Transmission ticket for Fax ID: 276-790-3505

Date: 4/8/2020

Number of pages: 12

Attn.: Glen Andrew Hall, Esq.

Recipient's number: T1-276-403-5478

Filename: C:\ProgramData\VentaVentaFax &amp; Voice 6\Out\USWGO\_20200408\_102

File description: USWGO\_20200408\_102420(OCR).pdf

Recipient's Fax ID: 12764035478

Rate: 14400 bps

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Session duration: 13:47

To: Commonwealth Attorney

Message type: Fax

Error Correction: No-08

Resolution: 200\*200 dpi

Record number: 8162

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 04/08/2020 @14:56:12 by fax

TESTE: ER. Hamilton  
CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
COMMONWEALTH OF VIRGINIA,  
Plaintiff,

v.

BRIAN DAVID HILL,  
Defendant,

Criminal Action No. CR19000009-00

Civil Action No. CL20000089-00

Civil Action No. CL19000331-00

MOTION TO DISQUALIFY THE  
HON. GILES CARTER GREER  
FROM ANY FURTHER  
PARTICIPATION IN THE  
CASE(S)**MOTION TO DISQUALIFY THE HON. GILES CARTER GREER  
FROM ANY FURTHER PARTICIPATION IN THE CASE(S)**

Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case(s), respectfully asks this Honorable Court to grant this motion to recuse/disqualify the Honorable Giles Carter Greer, Circuit Court Judge from any further participation in this case, as well as in the cases of Commonwealth v. Brian David Hill, Petition for Error Coram Vobis, Case Number: CL20000089-00; and Brian David Hill v. Commonwealth, Case Number: CL19000331-00, Petition for Writ of Habeas Corpus.

**BRIEF AND SUPPORTING FACTS -- STATEMENT OF FACTS**

1. On March 27, 2020, Brian had filed a Federal lawsuit against the Hon. Giles Carter Greer in Federal Court, for attempting to have the Circuit Court unlawfully garnish or attempt the unlawful garnishment of Brian David Hill's SSI disability. The lawsuit complaint was filed in the Circuit Court on

## Jeanie'Nunn

---

**From:** Donna Morris <dmorris@vacourts.gov>  
**Sent:** Thursday, January 17, 2019 3:16 PM  
**To:** Ashby Pritchett; Margie Holmes; Margie Holmes  
**Cc:** Jeanie Nunn  
**Subject:** RE: Request for ADA Accommodation

Thank you!

Donna L. Morris, HR Analyst  
Human Resources  
Office of the Executive Secretary  
Supreme Court of VA  
100 North Ninth Street  
Richmond, VA 23219  
(804) 786-7596  
(804) 786-0109 (fax)

---

**From:** Ashby Pritchett  
**Sent:** Thursday, January 17, 2019 2:02 PM  
**To:** Margie Holmes <mholmes@vacourts.gov>; mholmes@ci.martinsville.va.us  
**Cc:** jnunn@ci.martinsville.va.us; Donna Morris <dmorris@vacourts.gov>  
**Subject:** Fw: Request for ADA Accommodation

Margie,

I am sending this to you to advise Judge Greer of this request. We have recently received his papers from district court. Our case number is CR19000009-00. Mr. Hill is represented by the Public Defender.

Ashby

---

**From:** Donna Morris  
**Sent:** Thursday, January 17, 2019 10:30 AM  
**To:** Ashby Pritchett  
**Cc:** Renee Fleming Mills  
**Subject:** Request for ADA Accommodation

Good morning, Ms. Pritchett:

We received a letter in the mail from a defendant (Brian Hill), currently incarcerated in the Western Virginia Regional Jail.

He has indicated that he suffers from autism and type 1 brittle diabetes, and is asking for accommodations through the Americans with Disabilities Act for his trial, scheduled for January 28, 2019 (C18-3138). He has identified the name of his clinical counselor, but has not indicated whether he is represented by an attorney.

I am attaching his letter requesting accommodations. Please give me a call with any questions you may have regarding this matter.

2018 1228 hill req for accom.pdf

Donna L. Morris, HR Analyst  
Human Resources  
Office of the Executive Secretary  
Supreme Court of VA  
100 North Ninth Street  
Richmond, VA 23219  
(804) 786-7596  
(804) 786-0109 (fax)

VA Supreme Court, Office of Executive Secretary  
Request for Accommodation

RCVD 4 JAN '19

ADA Coordinator

December 28, 2018

I am Brian David Hill temporarily living at Western Virginia Regional Jail located at 5885 West River Rd Salem VA 24153.

My permanent mailing address is 310 Forest Street Apartment 2, Martinsville VA 24112. Phone number is 276-790-3505.

Nature of disability is: Autism Spectrum Disorder, Type 1 brittle Diabetes. I need the accommodation on January 28, 2019, at the Martinsville Circuit Court located at 55 West Church Street, Martinsville VA 24112. The accommodation I am requesting is:

(1) to have a Medic present during the trial and testing my Diabetic blood sugar before the trial; (2) to have my needed diabetic insulin with me while being transported to the Circuit Court; (3) that the Court or my Attorney will allow both REACH and my Counselor Preston Page to be present at my Court trial or at least a licensed Autism expert; and (4) any other accommodation that you find necessary and appropriate. It is a pending case in the City of Martinsville, Criminal case, charge indecent exposure but duress/coercion caused Commonwealth of Virginia v. Brian David Hill, case no. C18-3138, again Court date on January 28, 2019.

Please have any accommodations for me as needed/necessary.

Thank You,

Brian David Hill

Please mail response promptly.

Legal Mail: #00-21123

Western Virginia Regional Jail

5885 West River Rd.

Salem, VA 24153

U.S.W.G.D.

Brian D. Hill  
Signed

JusticeForUSWGD.wordpress.com God Bless America

Note For ADA Coordinator:

The Circuit Court needs to be made aware of my Autism and that according to law enforcement trainer Dennis Debbaudt from Florida, his white paper on "Interviews and Interrogations of persons with Autism Spectrum Disorder" or something like that title. If I have to testify and be questioned by both lawyers, them and the Judge should be made aware that I can give false confessions and misleading statements. - Brian D. Hill December 28, 2018.

In The Circuit Court of Martinsville  
For The Commonwealth of Virginia

Commonwealth of Virginia,  
Plaintiff,

Case no. C18-3138

v.

Brian David Hill,  
Defendant,

Notice of Change of  
Address

Notice of Change of Address

Criminal Defendant Brian David Hill ("Brian", "Hill") hereby files this Notice of Change of Address with this honorable Court. Attorney Scott Albrecht should be notified of Hill's new address and Hill's current situation. Under Western District of Virginia Federal Court ruling (case: 7:18-MJ-00149) Hill is currently being mentally/psychologically evaluated at the Federal Correctional Institution 1, in Butner, N.C. (mental evaluation). This mental evaluator is evaluating Hill for 45 days, started at January 9, 2019. Hill may be unable to attend his Trial until after the mental evaluation is completed.

Respectfully filed with the Court, this the 14<sup>th</sup> day of January, 2019.

Brian D. Hill  
Signed

Brian David Hill #29947-057  
Federal Correctional Institution 1

JusticeForUSWGO.wordpress.com P.O. Box 1000  
JusticeForJustice U.S.W.G.O. Butner, N.C.

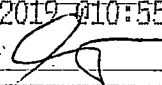
Clerk



FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 01/22/2019 @10:55:17

TESTE:

  
CLERK/DEPUTY CLERK

Brian David Hill #29947-057

Name: Number:

Federal Correctional Institution 1

P.O. Box 1000

Butner, NC 27509

RALEIGH NC 275  
Research Triangle Region  
15 JAN 2019 PM 2 1



⇔29947-057⇔

Hon Ashby Pritchett  
Clerk of the Court  
PO BOX 1206  
Martinsville Circuit CRT  
Martinsville, VA 24114-1206  
United States

24114-120606



586  
FBI MAIL

FEDERAL CORRECTIONAL INST. #1  
P.O. BOX 1000  
BUTNER, NORTH CAROLINA 27509

DATE: 1-14-19  
"SPECIAL/LEGAL MAIL"

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened or inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer enclosed correspondence for forwarding to another addressee, please return the enclosed to the above address.

In The Circuit Court of Martinsville  
For The Commonwealth of Virginia

Commonwealth of Virginia,  
Plaintiff,

Case no. C18-3138

CR19-009

v.

Brian David Hill,  
Defendant,

Testimony of Brian David  
Hill

Testimony of Brian David Hill - Declaration

Criminal Defendant Brian David Hill files this testimony with the Circuit Court of Martinsville, Virginia, and subject to the penalties of perjury thereof:

I am Brian David Hill, I have Autism Spectrum Disorder, Obsessive Compulsive Disorder, Generalized Anxiety Disorder, and Type 1 Brittle Diabetes. I am handicapped ~~neurolog~~ neurologically in DMV records due to my Autism

Even though I am intelligent, I am deficient in the matter of handling social situations properly. I can be coerced and manipulated into doing something that I would not normally do and into doing something that I did not want to do. My Autism makes me vulnerable to sexual predators.

Copy to PD and  
CA

1

01/27/2019

588

Around January 9, 2019, when I arrived at the Federal Correctional Institution #1 prison in Butner, North Carolina, after I went down to the Recreation Center to get a hair cut, A sexual predator named Crutchfield started talking with me and I first thought that he was a nice friendly guy just wanting to make conversation with me. After we talked for a few hours, I had just met this guy, and he told me out of the blue that he thought that I was attractive and a great guy. Then out at the bleachers at the basketball court he said to me that he was attracted to me, that he wanted a dick really badly, that me and him can get close enough to do sexual stuff together. I felt uncomfortable at that moment, felt like I should get away from him. I am into women only, and I think I told him that. Then his advances got bolder and he started trying to eat at the lunch table I was sitting at in the Chow Hall building. Another inmate named Zachery Hamby, who also was a predator but of a non-sexual kind, he tried to get over \$30 worth of Commissary purchases from my Account and tried to get me to do slave labor for him to reap the benefits. Hamby pretended to be my bodyguard to protect me from Crutchfield ~~at the~~ after Crutchfield showed up at my housing Unit called the North Carolina Unit. Other inmates heard about the sexual predator Crutchfield preying upon me, as he had done it to other guys, and they had enough of him so he was removed from the prison compound and transferred to a higher security prison from what I heard.

Hamby had become my cell roommate at one point, he had attempted to control me and dictate my every day activities. Even asked me all day what I was doing, and I had to get his permission to even use the bathroom, had to get his permission to write letters. He had threatened that I was going to get an incident report (write up) if I didn't do every thing he said but the officers of the prison never gave him such authority. Then another inmate conned me out of \$5 worth of Forever stamps. I can<sup>be</sup> manipulated, lied to, and victimized more easily because of my Autism. I can be victimized more easily despite my intelligence. I hope the Court and Martinsville Police Department will better understand my Autism.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on January 27, 2019.

Respectfully filed with the Court, this the 27<sup>th</sup> day of January, 2019.  
Copy in envelope enclosed for the Commonwealth Attorney.

Brian D. Hill

Signed

Brian David Hill

#29947-057

Federal Correctional Institution<sup>1</sup>

Old N.C. Hwy 75 / P.O. Box 1000

Butner, N.C. 27509

U.S.W.G.O.

JusticeForUSWGO.wordpress.com

Drain The Swamp

3

01/27/2019

590

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 02/01/2019 @11:08:43

TESTE:

*Camp*

CLERK/DEPUTY CLERK

In The Circuit Court of Martinsville  
For The Commonwealth of Virginia

Commonwealth of Virginia,  
Plaintiff,

Case no. C18-3138

v.

CR 19-009

Brian David Hill,  
Defendant,

Notice of Additional  
Evidence

Notice of Additional Evidence

Criminal Defendant Brian David Hill files Notice with this honorable Court that additional evidence is being filed with this Court once that evidence has been received from the United States District Court (324 W. Market St., Ste. 1, Greensboro, NC). The evidence will be certified copies of Declarations from last year which are relevant to this case. Because the Defendant is currently being Federal Court ordered to a mental evaluation at FCI<sup>1</sup> Butner, NC, the Defendant is working on showing facts of innocence. The Defendant has also mailed evidence and information to the Virginia Attorney General and to U.S. Probation Officer Jason McMurray of Roanoke, VA. Evidence was omitted ~~to~~ from the first trial by the Prosecutor/Plaintiff. Omitted evidence was a (1) recorded police body-camera footage which showed Brian Hill trying to explain to the police officer about the man in the hoodie on the day of his arrest, and more was omitted.

There is also Virginia Court of Appeals case law which can show that Brian Hill is innocent. Appellate Court cases:  
(1) A.M. v. Commonwealth of Virginia, Alexandria, Court of Appeals  
(2) Kimberly F. Neice v. Commonwealth of Virginia, Teleconference  
(3) Kenneth Samuel Moses v. Commonwealth of Virginia, Salem  
Brian Hill was threatened by a man wearing a hoodie to get naked on the Dick and Willie trail (at night) or his mother Roberta Hill would get murdered. Brian cooperated with Martinsville Police before his arrest (body camera video footage also proves this), voluntarily turned over the camera and SD card, and told R. D. Jones the truth about the man in the hoodie. Brian was never aroused when naked, he never masturbated, he has OCD hand washing routines. The Martinsville Police misunderstood Brian's Autism. Brian ran because it was dark, he was scared that the man in the hoodie sent people after him. Brian Hill is innocent of indecent exposure.  
Respectfully filed with the Court, this the 28<sup>th</sup> day of January, 2019.

Brian D. Hill  
signed

Brian David Hill  
#29947-057

Federal Correctional Institution <sup>1</sup>  
Old NC Hwy 75 P.O. Box 1000  
Butner, NC 27509  
U.S.W.G.O.

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 02/01/2019 @11:08:08

TESTE:



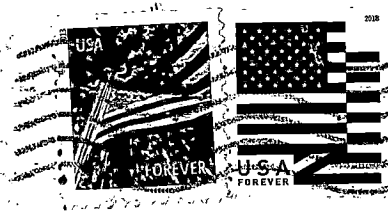
CLERK/DEPUTY-CLERK

JusticeForUSWGO.wordpress.com

Brian David Hill #29947-057

Name: Number:  
Federal Correctional Institution  
P.O. Box 1000  
Butner, NC 27509

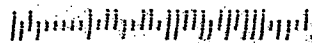
RALEIGH NC 275  
Research Triangle Region  
29 JAN 2019 PM 3 L



⇔29947-057⇔

Hon Ashby Pritchett  
Clerk of the Court  
PO BOX 1206  
Martinsville Circuit CRT  
Martinsville, VA 24114-1206  
United States

24114-120606



593  
FRAI MATI

FEDERAL CORRECTIONAL INST. #1  
P.O. BOX 1000  
BUTNER, NORTH CAROLINA 27509

DATE: 1/28/69  
"SPECIAL/LEGAL MAIL"

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Clerk

Please file

Case no. C18-3138

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MARTINSVILLE CIRCUIT COURT

DATE: 03/21/2019 @12:38:21

TESTE: CS  
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OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

<sup>FD</sup>  
Copy made for Scott Abbrecht and placed in FD box

Copy in box to CA

DATE: 03/21/2019 @12:38:06  
TESTE: CS  
CLERK/DEPUTY CLERK

Scanned and placed in correspondence file of case

In The Circuit Court of Martinsville  
For The Commonwealth of Virginia

Commonwealth of Virginia,  
Plaintiff,

Case no. C18-3138

CR 19-009

v.

Atty Scott Al Grecht

Brian David Hill,  
Defendant,

Motion to Admit Evidence  
Prior to Trial

Motion To Admit Evidence Prior To Trial

Criminal Defendant Brian David Hill ("Brian", "Hill") files evidence with this honorable Court requesting that it be admitted in this case prior to the trial. Virginia Courts can admit evidence from Courts of the United States as long as the copies of such evidence is certified by the Clerk of the Court. Hill wishes to submit specific Federal Court records in this case as evidence in favor of Hill's innocence. Hill also mentions three (3) case laws from Courts of Appeals in favor of Hill's innocence to the charge of indecent exposure: (1) A.M. v. Commonwealth of Virginia in Alexandria; (2) Samuel Kenneth Moses v. Commonwealth of Virginia in Salem; and (3) Kimberly F. Neice v. Commonwealth of Virginia in Teleconference. The Federal Court records are the written testimony of Hill in support of the defense that Hill was threatened and coerced to get naked on the Dick and Willie hiking trail at night by a man wearing a dark hoodie. Hill never masturbated in public, Hill wasn't aroused.

Hill submits the following Federal Court records as evidence in this case prior to the bench trial, requesting that they be admitted as evidence in this case (records can be authenticated on PACER.GOV and by the Clerk of the U.S. District Court for the Middle District of North Carolina):

1. Document 152, 2 pages, Filed 10/03/2018
2. Document 153, 11 pages, Filed 10/17/2018
3. Document 154, 2 pages, Filed 10/24/2018
4. Document 161, 5 pages, Filed 11/29/2018
5. Document 162, 4 pages, Filed 11/30/2018
6. Document 163, 6 pages, Filed 12/12/2018
7. Document 164, 6 pages, Filed 12/13/2018

All documents from case no. 1:13-cr-00435-TDS  
Total of 36 pages.

Hill submits the following testimony and research by witnesses Roberta Hill, Stella Forinash, and Kenneth Forinash as evidence which can be authenticated by compelling them to testify under Oath at trial. They were made aware by a professional(s) that Hill was exposed to carbon monoxide poisoning up until the day that Hill had left the home and was arrested the next day. Carbon monoxide would help explain Hill's erratic behavior.

1. Compiled testimony and research, Total of 10 pages.

Hill has demonstrated to this honorable Court that:

- (1) Hill has Autism Disorder, Obsessive Compulsive Disorder.
- (2) Hill had been a victim of criminal coercion which compelled Hill against his will to get naked in order to protect his mother from being murdered.
- (3) Hill had been a victim of prolonged exposure to carbon monoxide in his Apartment in 2018, which can cause problems with Hill's brain leading to any irrational and erratic behavior.
- (4) Hill is technically innocent under case law as it is a fact that Hill didn't do anything obscene, Hill never masturbated, and Hill was never aroused.

Hill submits this new evidence and case law to this honorable Court in favor of Hill's Actual Innocence to the September 21, 2018 charge of indecent exposure. Hill had also filed a formal series of letters and a written request with the Virginia Attorney General asking for a Writ of Actual Innocence in this case.

Respectfully filed with this honorable Court, this the 15<sup>th</sup> day of March 2019.

Brian D. Hill  
signed

JusticeForUSWGO.wordpress.com  
U.S.W.G.O.

Brian David Hill  
#29947-057

Federal Correctional Institution<sup>1</sup>  
P.O. Box 1000, Butner, NC 27509

# Certificate of Service

I, Brian David Hill certify that I filed the foregoing pleading entitled "Motion To Admit Evidence Prior To Trial" and attached evidence (46 pages) with the Clerk of the Martinsville Circuit Court by certified mailing (tracking no. 7018-1130-0000-8936-6313) postage prepaid. That mailing was deposited at the Mail Room of the Institution on March 15 2019.

Criminal Defendant Brian David Hill requests that the enclosed photocopy of the foregoing pleading and attached evidence be served with the Commonwealth's Attorney since the Court and Office of the Commonwealth Attorney are within the Municipal Building. Thank You.

Respectfully filed,  
Brian David Hill

Brian D. Hill  
Signed

#29947-057

Federal Correctional Institution<sup>1</sup>  
Old N.C. Hwy 75 / P.O. Box 1000  
Butner, NC 27509  
U.S.W.G.O.

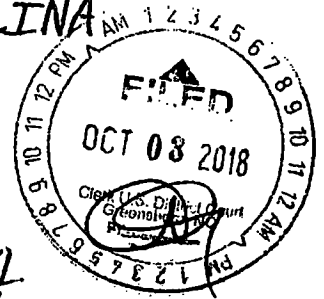
JusticeForUSWGO.wordpress.com

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Brian David Hill,  
Petitioner

United States of America,  
Respondent

Case no.  
1:13-cr-435-1  
1:17-cv-1036



SEPTEMBER 28, 2018  
STATUS REPORT

I, Brian David Hill ("Brian D. Hill" "Petitioner") have new evidence regarding Officer Sgt. R.D. Jones lying to U.S. Probation Officer Jason McMurray about me. I consider Sgt. Jones to be a suspect in connection with the Tormail.org threat on "violent sex crimes" setup. Received a letter from Roberta Hill dated "Sept. 25, 2018". Parts of her letter said "I talked to Jason and he told me that the police said that you recanted the story that you told us in the hospital." What story did Petitioner recant? That is a lie to my Federal Probation Officer. Letter also said that "taking photos of yourself at various places around town." The truth was to follow through with the hoodie guy's directives around an empty spot of one area of the trail, with a factory building and nobody around. Only in one area were photos taken, hoping that would be enough, so my mom isn't killed. For the police to tell Jason that I recanted my statement or story is a lie. Does Martinsville Police understand that lying to a federal officer is a federal crime?

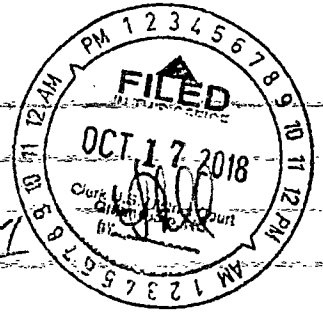
I am disappointed that Martinsville, VA Police Department (MPD) would say that I recanted my story when I continue to stick to my story and tell the same story, and never attempted to recant it. I guess there are 'dirty cops' in Martinsville too. The MPD needs to be investigated by the U.S. Probation Office and the U.S. Federal Bureau of Investigation (FBI). If the one FBI boss in Greensboro, NC, had not shut down the Duty Agent Jerry Pickford's case on Kristy L. Burton and AUSA Anand Prakash Ramaswamy, I don't believe the incident last week would have happened. MPD lied to a federal officer, may be a felony. USPO Burton perjured, and AUSA Ramaswamy allowed it. All felonies. Obstruction of Justice. I again promise my mother that that incident will never happen again. I was threatened. I don't trust MPD police liars, I want FBI involved. Please! I declare under penalty of perjury that the foregoing is true and correct. Executed on Sept. 28, 2018. Respectfully filed with the Habeas Court on Sept. 28, 2018.

### CERTIFICATE OF SERVICE

I, Petitioner, certify that this pleading has been deposited with the Jail's mailing system on Sept. 28, 2018, directed to the Clerk's office requesting that under IFP they serve a copy of this pleading on all parties, via Notice of Electronic Filing on CM/ECF or U.S. Mail.

Brian D. Hill  
Signed  
Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24111

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Durham Division



Brian David Hill,  
Petitioner

v.

United States of America,  
Respondent

Case #

1:13-CR-435-1

1:17-CV-1036

STATUS REPORT  
OF PETITIONER  
SEPTEMBER 27, 2018

I, Brian David Hill ("Brian D. Hill", "Petitioner") in this § 2255 case, acting pro se in this matter files this status report and declaration updating the court for this case. Because of the current situation described herein, Petitioner requests a court appointed lawyer.

DECLARATION

I, Brian D. Hill, produce these statements, subject to the penalties of perjury under U.S. Code:

(1) I am currently in Martinsville City Jail over a local criminal case and situation where it must be disclosed to the habeas court over what actually happened. Petitioner believes it is connected over the matter concerning and affecting this § 2255 case.

(2.) ON SEPTEMBER 18<sup>th</sup> 2018, Somebody was in the ~~the~~ thicket at the end of my neighbor's property and branches moved ~~was~~ whenever I looked in that direction. I was around the period when I was mowing the grass between the time period of 1 to 4 PM. That was a Tuesday. Likely surveilling me.

(3) On September 19, 2018, Wednesday, I called into a political talk show after Sandra Wilson invited me to call into a Family Court issues type of show on BlogTalk Radio. By a I believe it was a woman named Valerie K. Lazarus. (I spelled it right). Told her about the fraud on the court concerning this case. We also spoke about the Americans with Disabilities Act and the one woman said how if I ~~have~~ had an IEP when I was in school, then they (I assume she meant police) can (or may get) in trouble for violating the Americans with Disabilities Act the way it was handled in regards to my criminal case.

(4) On September 20, 2018, Thursday, some of my memories may have been blotted out & I was under an extreme amount of stress and anxiety already due to the pre-filing injunction Motion. My whole family could tell. My mom had also noticed that my cooks were not being kept locked. I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling something <sup>bad</sup> would happen to me.

I was able to go the Massanutten Resort from Monday to Thursday last week in Rockingham County, VA, in my district. I think it was between Sept. 10 through 13/2018 if I am correct from memory. My family noticed that I didn't want to go back home. As if something was terrifying in my psychological mind, and I haven't kept my door or windows locked. Around 11 I went walking beside the road on the sidewalk and as I was around a warehouse or some kind of building near or around the Martinsville, VA downtown area ~~near~~ near the hiking trail of "Dick and Willie", I was approached by a man in a hoodie, probably some time between 11 to 12 that night. I think maybe between 5 to 6 feet tall, maybe white, told me "You ~~had~~ had better take your clothes off in public and take pictures of yourself and place the SD card around the bench under the bridge." "or ~~they~~ they would kill my mom Roberta Hill." At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches. I didn't want my mother to be killed. My weakness is my Mother. I gave a false confession in 2012 because of being told "You better fess up or else your mother would be held responsible." Whoever threatened me that night knew my weakness. If I walk to the police or don't do what that man said, would my mom be shot full of holes while sleeping and killed?

be

I didn't know what to do. I kinda lost my mind when taking pictures of myself. If I don't put on a good show would my mother be killed like the stuff in Hollywood action movies. I had a feeling it had something to do with the things brought up in my case. The threats from torrail.org messages which were successfully carried out. I knew I couldn't mess with these people with a threat that serious. Out of fear and desperation I walked. Were vehicles would see me with a hand gesture of my hand over my mouth. I was naked on the trail. I was trying to signal with that hand gesture that I was in trouble. I decided not to place the SD card at the bench, as how would they know? Maybe I could still go to the police and warn my mom. As I was walking back I saw a track with a spotlight at me with no way to tell who it was. I was scared so I ran and then noticed a red laser beam light like what private mercenaries bad guys and good guys all have. A light came on with a guy yelling at me. I didn't know who he was. I was scared it was them going to kill me for not exactly following the hookie guys directives. I ran fell down the left side slope of the trail getting cuts and scrapes all over my body until I fell in the ~~river~~ ~~bed~~ creek bed. They were down there and at that point I realized they were police.

I said over and over again while complying  
"I have Autism, I have Autism, I have Autism,  
I have Autism." But they couldn't hear me out.  
I said "I was attacked" told Sgt. R.D. Jones  
that I need to speak with a detective. It  
was probably around 3 to 4 AM at around Friday,  
September 21, 2018. He asked me why I was  
routed on the rail. I tried to explain to him  
as much of what happened as I could. He mistook  
my statement of heading towards the YMCA building  
with the warehouse and I told him "You don't understand  
Autism." maybe "are you trained in Autism?" Sgt. R.D.  
Jones said "How do I know you even have  
Autism?" I responded with Dennis Delbault, a law  
enforcement trainer. He did a white paper. People  
with Autism can give false confessions and  
misleading statements. Officer you misunderstood what  
I said about the YMCA building," after or before  
my answer to his "how do I know you even  
have Autism?" was "it was in federal court records."  
He gave me that look where he didn't want to  
accept anything I said. He even said "If your  
lying to me, I will charge you with making (or filing)  
a false report." I looked at him straight in the  
eyes and said I was not lying, even told him  
something about "am I supposed to let my  
mother be killed or something to that effect. He  
still wouldn't accept what I had told him. I  
then told him "You don't understand Autism. You are  
violating Title II of the Americans with Disabilities  
Act."

5 PMS

I was being charged with "indecent exposure".  
I further told Sgt. R.D. Jones that I was going to  
win the jury trial and sue him for violating the ADA.  
Argument escalated to me saying to him  
"F\*ck You". At one point things cooled down  
and I was in a front of the TV with a  
Magistrate. She, the Magistrate, brought up about  
my federal criminal conviction and my 2255 probation  
violation. I explained to her that the case is  
under a habeas corpus 2255 review for my  
claim of "actual innocence" "actual innocence"  
or something to that effect. She assumed that it was  
some kind of an appeal. Told her that the probation  
violation was over U.S. Probation Officer Kristy L.  
Burton making false statements, which is perjury  
and may have mentioned that Ann (a woman) ~~was~~  
Samarasamy committed subornation of perjury, gave  
her the federal case number. Also mentioned about  
fraud on the court. I was given no bond that  
day. Was charged in Martinsville General District Court,  
Case no. C18-3138. It might be named as  
Commonwealth of Virginia v. Brian David Hill. At one  
point I told Sgt. Jones that "you are not doing  
anything about the drug dealers in my (or our)  
neighborhood" that the FBI are not doing anything  
about the threats, I don't trust the police.

(5) On September 26, 2018, I had filed a request  
form for the jail directing that it be forwarded to  
MPD Sgt. R.D. Jones with more statements incl. a  
Declaration as evidence.

6

(c)  
Some  
information  
omitted

I explained that witness Roberta Hill had received a threatening "greeting card" postmarked Tennessee, she received same card (at same time) this year. I had no return address. Gave the officer her phone number.

Then I said under Declaration on the back of that "Request for Interview" form that my first received ~~mailing~~ message said that I was set up with child porn, that Alex Jones... (c) and others were next. my friends

I gave this federal criminal case number, cited Document #6 Declaration of Susan Basko. Then ~~told him~~ told him in writing about the threatening message that was reported to J. Jay Strickland counsel to the N.C. Department of Justice. I explained that one part of the threatening email message said that I would be set up with violent sex crimes if I don't watch my back. If my mother being killed if I ~~don't~~ didn't walk naked in public and take pictures, the "indecent exposure" charge may legally be defined as a "violent sex offense". The threats went from tormail.org to being physical. I was set up with the violent sex crime of "indecent exposure" just like the 2013 tormail threat said would happen.

While I am incarcerated, my diabetic blood sugar reads are getting a lot of highs right now. In the 300's, 400's, and 500's. I am suffering nerve pain, and other bad effects of high blood sugar.

The Court may request a copy of my September 26, 2018 filed "Request for interview" form from Martinsville VA City Jail at P.O. Box 1326 Martinsville, VA 24112 or at 300 Clearview Drive, same city. That way that can expand the record for this § 2255 case.

(6) Petitioner requests that an attorney be appointed at this interval for his 2255 case since this incarceration is at a facility that

case; (1) Has no law library. The Public Defender in Martinsville cannot represent me for this 2255 case;

(2) Paper and resources are highly limited as per Jail's "rules and regulations". Stamps and envelopes also limited. I won't be able to make valid pleadings compliant with this Court's rules while incarcerated and very limited access to resources needed for this case. I won't be able to properly cite court rules case law, and statutes while incarcerated; or may

(3) While incarcerated I will not be able to bring up evidence if the habeas court requests;

(4) Be at a large disadvantage, which deprives me of due process under the 14th Amendment of U.S. Constitution. Being deprived of my ability to prove factual innocence in my 2255 case.

If the court cannot appoint court appointed counsel for this 2255 case, alternatively Petitioner asks this honorable Court to delay this 2255 case until Petitioner is not under incarceration.

(7) I make this PROCLAMATION to the hon. Court, to my Mother and family, to the U.S. Probation office, and to Martinsville District Court. The incident of "indecent exposure" is considered isolated and out of character. I swear under oath that it will never happen again. Charge is of a technical nature. I was threatened to get naked I never masturbated, it was a crazy ~~and~~ incident. Whoever threatened me needs to be charged and arrested. My mother hates me over what happened I'm sorry mom I was scared and didn't know what to do. I didn't want my mom to die. I am sorry for leaving around 11. The threats coming at me, the fear, the bad feeling in my gut. Next time I'm threatened I will report to police state police, and FBI. What I did on the hiking trail and leaving without telling my mom will never ever happen again. I'm tired of the Legal Terrorism, the criminal threats, and being afraid. I just want to prove my actual innocence and move on with my life. I am tired of feeling afraid for my family and my life. It's tearing me apart. My family can tell my health is degrading. I provided so much evidence to the Habeas Court please let me prove my innocence, have an evidentiary hearing. I have facts of innocence. Let me prove it. People with Autism can be manipulated easily threatened, abused.

(8) Before this charge, I was working on a ~~Rule 11~~ Rule 11 Motion for sanctions, case law Chambers v. Nasco Supreme Court case (fraud on the court), and citing state bar rule 3.8. I was going to show fraud on the court in the Respondent's factual basis of guilt, in their pre-filing injunction motion, and in the motion to dismiss.

I wanted to show the fraud on the court by Respondent give them 21 days (maybe 25 days) to respond before filing, then the court can decide under Chambers v. NASCO whether Respondent's Motions should be summarily denied. Subornation of perjury by Anand P. Ramaswamy is already a fraud on the Court in 2015. Respondent's resistance to me proving my innocence clearly violates Rule 3.8 of the state's Model Rules of Professional Conduct. N.C. State Bar, Rule 11 sanctions may be appropriate. I will serve them a rule 11 motion copy once released from jail. To resolve the issues between Respondent and Petitioner, Petitioner requests that the U.S. Attorney General appoint special counsel to represent Respondent for this \$2255 case.

Thank You!

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 27, 2018.

Respectfully filed with the court, this the 27<sup>th</sup> day of September, 2018. Brian D. Hill  
Signed

### CERTIFICATE OF SERVICE

Petitioner certifies that he dropped this status report in the Jail institution's mailbox on September 27<sup>th</sup> 2018, addressed to the Clerk respectfully requests that all copies to the case are served by CMECF or by U.S. mailing. Petitioner asks Clerk to mail ~~and~~ letter certifying receipt of this pleading.

10

Brian D. Hill  
Signed

Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24112

Clerk: Please send letter certifying receipt.

# Declaration and reCertificate of service

Brian David Hill v. United States ~~10~~ October <sup>10</sup> 2018

I Brian David Hill had mailed the wrong address, and ~~is~~ refiled the "Status Report of Petitioner September 27, 2018" on October 10, 2018. The address was mailed to 324 W. Market Street, Suite 1, Martinsville, VA 24112. That address was incorrect. It should have been 324 W. Market Street, Suite 1, Greensboro, NC 27401.

So I recertify under the CERTIFICATE OF SERVICE that I file the pleading on Oct. 10, by depositing the pleading in an envelope prepaid in the Jail's mailing system. Again, I ask the Clerk to send me a letter acknowledging receipt of this pleading, and notify me which Document no.'s or I ask that my docket sheet be printed and sent to me showing my last ~~2~~ few entries.

I learned from Martinsville City Jail that I am limited by Jail policies to 1 short ink pen per month, 5 envelopes per week, no law library at all, and they have to destroy all envelopes including legal mail envelopes directed to inmates in MCJ. Envelopes are evidence but Jail officers can destroy envelopes including mail envelopes from Federal Courts. The Jail's policies seem unconstitutional and block me from continuing to ~~proceed~~ proceed in this 2255. I ask that I be appointed a lawyer for my 2255.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2018.

Brian D. Hill  
Signed

U.S.W.G.O.

Brian David Hill  
Martinsville City Jail (MCJ)  
P.O. Box 1326, Martinsville, VA  
24112

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Brian David Hill,  
Plaintiff/Petitioner,

v.

United States of America,  
Respondant,

Case no.  
1:13-cr-435  
1:17-cv-1036



PETITIONER ASKS COURT  
TO CONTINUE SUPERVISED RELEASE

The Petitioner Brian David Hill ("Hill", "Petitioner", "Brian") NOW files this request with the Court and the United States ("U.S.") Probation Office to continue the Supervised Release of Petitioner while the issues of Petitioner's actual innocence and Respondant's fraud on the Court and resistance to State Bar 3.8 rule requiring Prosecutors to disclose evidence of actual innocence, are being inquired by the Habeas Court. Petitioner is confident that he will be found not-guilty/innocent in the current case of Commonwealth of Virginia v. Brian David Hill, case no. C18-3138. The Court may inquire on that case by contacting Attorney Scott Albrecht at the address of 10 East Main Street Martinsville VA 24114 Phone no. 276-666-2206, and Fax 276-666-8929. I also had sued Martinsville City Jail and Martinsville Police Department recently in the Western District of Virginia, Roanoke division. The filings of the "Status Report of Petitioner September 27, 2018" and "September 28, 2018 Status Report" should demonstrate to the Court that Petitioner is a victim of yet another crime and doesn't deserve revocation.

Because Petitioner is asserting actual innocence by the affirmative defense of frame up, by Brian being threatened by a guy wearing a hoodie, Petitioner does not deserve revocation and should be allowed to continue this § 2255 case. Since this facility, Martinsville Jail, does not have a law library, and limits on paper and only 1 pen a month, Petitioner requests a court appointed lawyer for his 2255 case for his actual innocence claims. Bond conditions, if that is the case, will prevent Petitioner's ability to prosecute this 2255 case, thus a lawyer is necessary for both the mental examination and proving any remaining facts of innocence if any further facts of innocence is necessary. Thank You.

Petitioner respectfully files this pleading, this the 20th day of October, 2018.

—Certificate Of Service—

Petitioner certifies that he filed the foregoing pleading on October 20, 2018, by deposited in a prepaid envelope in the institution's mailing system, directed to the Clerk of the Court requesting that it be served with Counsel of Respondant via CM/ECF Notice of Electronic Filing, in accordance with the In forma Pauperis statute.

Brian D. Hill  
Signed

Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24114

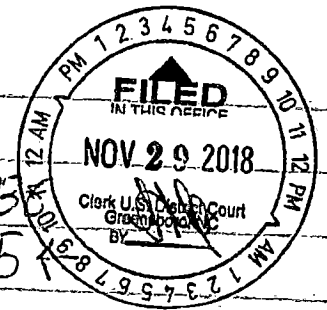
U.S.W.G.O.

2

In the United States District Court  
For the Middle District of North Carolina

Brian David Hill,  
Petitioner,

Case no.  
1:17-cv-103  
1:13-cr-435



v.

United States of America,  
Respondant,

November 28 2018 Status Report and Declaration of  
Brian David Hill in support of Doc. #125, #128

NOW comes Petitioner Brian David Hill ("Brian" "Hill")  
with a November 28, 2018 Status Report and Declaration  
in support of 2255 case Motion (Document #125)  
and 2255 case Memorandum/Brief (Document #128).  
New updates that the honorable Habeas Court is not  
aware of.

Declaration

I, Brian David Hill, produce the following statements,  
subject to the penalties of perjury thereof:

(1.) I have placed a filled out Pardon Application in a  
prepaid envelope, placed in the Institution's mailing system on  
November 22, 2018. Mailed it off from the Jail.

1

This includes my sworn Oath under the "Certification and Personal Oath" notarized by Officer Jeffrey Corcoran to the President of the United States; "Reason to U.S. Pardon Attorney for waiver of 5-year Requirement, For Exceptional Circumstances Cover Page" dated Nov. 8, 2018 under declaration/Oath, and a letter to the U.S. Pardon Attorney dated October 31, 2018; but it is still deficient in the Character Affidavit, however in a page letter to the Pardon Attorney I have promised to cure the deficiencies in Pages 17, 18, and 19 as soon as I can, dated November 15, 2018. All of that was mailed to the U.S. Pardon Attorney, U.S. Department of Justice at the address of 145 N Street, N.E., Room 5E.508 Washington, D.C. 20530. This proves to the Court that I am willing to work with the U.S. Department of Justice, aka the Government to demonstrate my factual innocence. My filled out Pardon Application was copied by Officer 1st Lt. Law of Martinsville City Jail, prior to me mailing it off. Photo copied. Stored.

(2.) I have sent two letters to Alexandria Veletsis who works for the Executive Office of the President (EOP), The White House. First letter dated November 3, 2018, the other dated November 18, 2018. The later letter was mailed out on November 22, 2018. I explained about the guy in the hoodie that I may get killed in fighting for acquittal, and asked for my filed Pardon Application to be treated urgently.

I felt so afraid for my life that I had also mailed letters to John Kelly the Chief of Staff; Scheduling Aide; Donald Trump; Melanie Trump; Ivanka Trump or Jared Kushner (Nov. 8, 2018); White House Counsel (Nov. 12, 2018); Ivanka Trump (Nov. 20, 2018); National Security Council (Nov. 25, 2018) (QAnon); and the two letters to Ms. Veletsis of the EOP. I had mailed others including the Virginia Governor and Virginia Office of the Attorney General. I ain't playing around. I will not let some guy wearing a hoodie get away with threatening to kill my mother (a witness) and revoke my Probation to ruin my life. I will not sit quietly, be punished over and over again by the Federal Court for being a victim of felony crimes and worry about any member of my family being killed/murdered because they told the truth in regards to my actual innocence. I don't understand why the United States Attorney office has resisted against me so hard all of these years, willing to violate State Bar Rule 3.8 of the Model Rules of Professional Conduct, destroy evidence that would aid in proving my innocence, and engage in fraud upon the Court. Now I receive a federal Detainer arrest warrant by the Justice Department on top of that, likely putting my life in more danger. I feel President Trump is right. The Deep State Swamp is ~~too~~ Dangerous for America, must be drained quickly as Qanon (Mom told me about Qanon) said, otherwise the Swamp will hurt us all.

Is Autism the new civil rights movement like Martin Luther King?  
I am done being a victim of federal crimes, your honor.  
I am innocent I am done with being threatened  
(Tormails, guy in a hoodie, threatening greeting card)  
with being raped, set up, my mother killed, etc etc.  
I am innocent and I feel the Arrest Warrant is  
uncalled for. I want Justice your honor, I am  
tired of being a victim. Do I have to be shot and  
murdered before I receive justice? Am I actually  
innocent? Do I have a right to prove my innocence  
or should I be carted away in some Federal Prison  
somewhere where I disappear? I deserve Justice,  
I deserve Writ of Habeas Corpus. I am INNOCENT.  
I stand by my statements till my dying breath. Amen.

I declare under penalty of perjury that the foregoing is true  
and correct. Executed on November 28, 2018.

Brian D. Hill  
Signed

Brian David Hill (Pro Se)

#302165

Martinsville City Jail

P.O. Box 1326

Martinsville, VA 24114

U.S.W.G.O.

Respectfully filed with the Court, this the 28th day of November, 2018. Thank You.

Brian D. Hill  
signed

Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24114

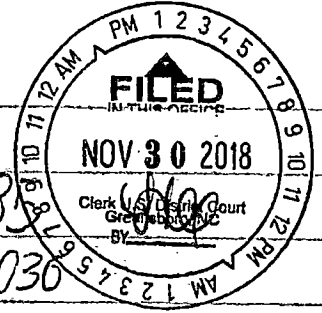
### Certificate of Service

I, Brian David Hill, certify that I deposited this pleading in a prepaid envelope, then placed in the Jail's mailing system on November 28, 2018, directing it to the Clerk of the Court. I request that all parties be notified by Notice of Electronic Filing (NEF) by CM/ECF which will notify all parties of such filings.

Brian D. Hill  
Signed

Brian David Hill (Pro Se)  
#302165  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24114  
U.S.W.G.O.

In the United States District Court  
For the Middle District of North Carolina



Brian David Hill,  
Petitioner,

Case no.  
1:13-cr-435  
1:17-cv-1030

v.

United States of America,  
Respondant,

Status Report of Brian David Hill - November 27, 2018

NOW comes criminal Defendant and 2255 Petitioner Brian David Hill ("Brian" or "Hill"), files this status report of November 27, 2018. Hill shall present the following updates.

1. Hill on November 27, 2018 had received a Federal "Detainer" warrant "Based on violation of Probation and/or Supervised Release". Hill has yet to face trial in the case Commonwealth of Virginia v. Brian David Hill, case no C18-3138. Assistant Public Defender Scott Albrecht of Martinsville, VA, 276-666-2206, had explained to Hill that he has a defense to the criminal charge, that he is not-guilty/innocent. Hill requests a Supervised Release revocation hearing to present the verdict of the Commonwealth Court.

Hill is fighting to be found innocent/not-guilty in the case or that the case may be dismissed with prejudice. The case will be decided in the Martinsville General District Court, Commonwealth of Virginia, trial date set up on the date of December, 21, 2018. In the event that Hill is found innocent, Hill requests that the Supervised Release be reinstated since Hill is innocent of his charge and will not be convicted. Hill asks for a Supervised Release Violation ("SRV") hearing, if necessary. In the event that Hill is found not-guilty, Hill believes he did not violate his Supervised Release since his Commonwealth charge is what triggered the "Detainer".

20 Hill was coerced and threatened by an unidentified guy wearing a hoodie to get naked or Hill's mother Roberta Hill would have been killed. Documents 152, 153, 154, and 155 explain the situation. All Documents in case Brian David Hill v. Martinsville City Jail, et al, V.A.W.D. also explain the situation. United States Court, Western District of Virginia, Case no. 7:18-cv-499 is the Court with the case files. Is Hill in violation for being a victim of crime?

Hill had reported the incident in a letter written to the FBI office at 1101 Court Street, Suite A38, Lynchburg, VA 24504 dated October 29, 2018. Hill had also explained in a letter to U.S. Probation Officer Jason McMurray about the guy wearing the hoodie, saying that he had felt his life was in danger. Letters mailed to his USPO and the FBI.

3o Once the Commonwealth case is resolved, Hill wishes to continue complying with his Supervised Release. Hill would like to continue with his Actual Innocence claim in his 2255 case. Hill's 2255 claims shouldn't be interrupted by a guy who had said "they" would kill Roberta Hill who is Hill's mother. Hill has demonstrated a lot of evidence concerning factual innocence. It should be decided, Hill's 2255 case should continue.

Hill recommends that his Supervised Release continue and that it not be revoked. Hill asks that his Supervised Release continue without revocation. Hill asks that his 2255 case continue. Thank You. God Bless America.

Respectfully filed with the Court, this the 27<sup>th</sup> day of November, 2018.

Brian D. Hill  
Signed

Brian David Hill (Pro Se)  
#302165

Martinsville City Jail

P.O. Box 1326

Martinsville, VA 24114

55 West Church Street

Martinsville, VA 24112

U.S.W.G.O.

Drain the Swamps

- Certificate of Service -

I, Brian David Hill, certify that I filed the foregoing pleading with the Clerk of the Court by deposited the pleading in a prepaid envelope, in the Martinsville City Jail institution's filing system on November 27, 2018.

Petitioner/Defendant asks that the Clerk serve all parties by Notice of Electronic Filing (NEF) of the CM/ECF system which will notify all parties of such filings.

Brian D. Hill  
Signed

Brian David Hill  
#302165  
Martinsville City Jail  
P.O. Box 1326  
Martinsville VA 24114  
U.S.W.G.O.

Drain The Swamp  
- President Donald Trump

In the United States District Court  
For the Middle District of North Carolina



Brian David Hill,  
Defendant/Petitioner,

Case no.  
1:13-cr-435  
1:17-cv-1036

V.

United States of America  
Plaintiff/Respondant

Declaration of Brian David Hill in support of continuing  
Supervised Release, towards innocence in case

NOW comes criminal defendant and 2255 Petitioner  
Brian David Hill ("Brian", "Hill") with a Declaration in  
support of his innocence/non-guilt in "Commonwealth of  
Virginia v. Brian David Hill," case no. C18-3138, and  
support of compliance with Supervised Release which  
means it should continue instead of revocation.

Declaration

I, Brian David Hill, make/produce the following statements,  
and subject to the penalties of perjury thereof:

1

(1.) After I was threatened by the guy wearing the hoodie to get naked ~~on~~ in public, take photos of myself place them at the drop off point, a bench after Southern Finishing Factory, or as he said they will "Kill your mother Roberta Hill" referring to her first and last name. It was after midnight on the Dick and Willie trail which became September 21, 2018, still at night. I took the photos of myself around the part of Dick and Willie where an warehouse called Greene Co. Inc. was, around that area. The warehouse seem abandoned, the hiking trail had trees, a lot of trees and hills. Nobody was on the trail, nobody walked the trail at night. I had worried that a drone may have followed me to ensure that I comply with the directives of the guy wearing the hoodie. I didn't want to take any chances in case there was any drones or anybody following me. At one spot, I mean the area around Greene Co. Inc., nobody around, parking area of hiking trail empty, plenty of trees for cover if I had to. I took my pictures with my camera, to satisfy them, to make sure that my mother was safe. I never masturbated at all. My OCD was really bad, hand washing and body washing routines. There was no warm water and soap out there. I was worried about high blood sugar and low blood sugar, I was worried about my mother. Had some sugar cans, so I wouldn't die of low blood sugar. I was on my own.

Nobody saw me for miles I think, till I got to the point of the Dick and Willie trail where Southern Finishing factory was. The road close to the trail where a vehicle went by and must of seen me. I put my hand over my mouth, that was my left hand as a signal to any vehicles that I was in trouble and couldn't talk, flash light in right hand when I was seen, flash light off when I was seen by a moving vehicle. Then a truck with a spotlight showed up, I didn't know who they were, never identified themselves. I was afraid I upsetted the guy in the hoodie or his people, so I grabbed my backpack and ran back down the trail, tripped over rocks beside the trail right where some abandoned factory or warehouse was close to the fire department. I tried to go back on the trail, saw a little red light, a guy turned on a flashlight, I was spooked so I ran and fell down the side of the trail, towards the creek, cuts all over my body, I likely hit my head. Then I was at the creek area, on a rock, the police where there, I finally realized that they were police and not goons working with or for the guy wearing the hoodie. I was handcuffed, told them "I was attacked" told them over and over again that I have Autism, like "I have Autism... I have Autism... I have Autism... I have Autism." I told the police that I wanted to speak with a detective. I felt relieved that it wasn't the guy in the hoodie or any goons.

Even though I fell down the slope, cuts all over my body, my head likely got hit, I told the police officer, he appeared to have activated his body camera, I was shaken up but I tried to explain the situation as best as I could, I told him I have Autism, I tried to tell him about the guy in the hoodie, I was taken in an ambulance to the hospital, my mother and grandparents showed up, told them as much as I could what had happened. At one point I think that man was Officer R. D. Jones of Martinsville Police. He said that if I am lying, that I can be charged with filing a false report. I looked at him straight in the eyes and told Officer Jones that I told him the truth, all of that went on at the hospital. I was advised that I would be placed under arrest. Nobody walked on the trail when I was seen, hand over my mouth, guy in the hoodie, only time I was seen was the part of the trail where Southern Finishing factory was, where vehicles go by, but hardly any traffic at night. I signaled that I was gagged, that was why my hand was over my mouth. I never masturbated, I told the police the truth.

When I was seen by a passing vehicle, I never masturbated, hand over my mouth and other hand with a flashlight.

(2.) My attorney told me that unless I was aroused and masturbated, I wasn't doing anything indecent. He says that I am innocent, I mean not-guilty of indecent exposure.

Attorney said that I can bring up about the guy wearing the hoodie. Said that under the law, I would have to have masturbated or be aroused in public to have committed indecent exposure. After he heard my story about the guy in the hoodie, he said taking pictures of myself is not illegal. So he argued that I am technically innocent, essentially. When the trial date comes I want to testify and hope I have a copy of this Declaration, explain my story about the guy in the hoodie who had threatened to kill my mother, tell the whole story. I am confident I will be found innocent. In the event that I am found not-guilty, I hope the detainer is reversed or that the Probable cause hearing will dismiss the Supervised Release violation on the basis that I am found innocent in the Virginia criminal case. I pray that I am released promptly, in the event of an innocence verdict.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 29, 2018.

Brian D. Hill  
Signed

Brian David Hill (Pro Se)  
#302165  
Martinsville VA City Jail  
P.O. Box 4326  
Martinsville, VA 24114  
U.S.W.G.O.

Respectfully filed with the Court, this the 29<sup>th</sup> day of November, 2018.

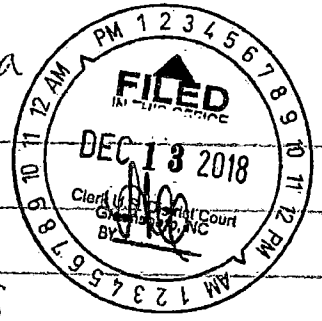
### Certificate of Service

I, Brian David Hill, certify that I mailed the foregoing pleading by depositing in a prepaid envelope in the Institution's mailing system on December 3, 2018. Then under the In Forma Pauperis statute, I request that the Clerk of the Court file this pleading, then serve all parties to this case by Notice of Electronic Filing through the CM/ECF system which will notify such parties.

Brian D. Hill  
Signed

Brian David Hill (Pro Se)  
#302165  
Martinsville City Jail  
P.O. Box 9326  
Martinsville, VA 24114  
55 West Church Street  
Martinsville, VA 24112  
U.S.W.G.O.

In The United States District Court  
For The Middle District of North Carolina



Brian David Hill,  
Defendant/Petitioner,

Case no.  
1:13-cr-435  
1:17-cv-1036

V.

United States of America,  
Plaintiff/Respondant,

Declaration of Brian David Hill in support of continuing  
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I, Brian David Hill, make/produce the following statements,  
and subject to the penalties of perjury thereof?

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Nobody saw me for miles I think, till I got to the point of the Dick and Willie trail where Southern Finishing factory was. The road close to the trail where a vehicle went by and must of seen me. I put my hand over my mouth, that was my left hand as a signal to any vehicles that I was in trouble and couldn't talk, flash light in right hand when I was seen, flash light off when I was seen by a moving vehicle. Then a truck with a spotlight showed up. I didn't know who they were, never identified themselves. I was afraid I upsetted the guy in the hoodie or his people, so I grabbed my backpack and ran back down the trail, tripped over rocks beside the trail right where some abandoned factory or warehouse was close to the fire department. I tried to go back on the trail, saw a little red light, a guy turned on ~~the~~ a flashlight. I was spooked so I ran and fell down the side of the trail, towards the creek, cuts all over my body, I likely hit my head. Then I was at the creek area, on a rock, the police where there, I finally realized that they were police and not goons working with or for the guy wearing the hoodie. I was handcuffed, told them "I was attacked." told them over and over again that I have Autism like "I have Autism... I have Autism... I have Autism... I have Autism." I told the police that I wanted to speak with a detective. I felt relieved that it wasn't the guy in the hoodie or any goons.

Even though I fell down the slope, cuts all over my body, my head likely got hit, I told the police officer, he appeared to have activated his body camera, I was shaken up but I tried to explain the situation as best as I could. I told him I have Autism. I tried to tell him about the guy in the hoodie, I was taken in an ambulance to the hospital, my mother and grandparents showed up, told them as much as I could what had happened. At one point I think that man was Officer R. D. Jones of Martinsville Police. He said that if I am lying, that I can be charged with filing a false report. I looked at him straight in the eyes and told Officer Jones that I told him the truth, all of that went on at the hospital. I was advised that I would be placed under arrest. Nobody walked on the trail when I was seen, hand over my mouth, guy in the hoodie, only time I was seen, ~~hand over~~ was the part of the trail where Southern Finishing factory was, where vehicles go by, but hardly any traffic at night. I signaled that I was gagged, that was why my hand was over my mouth. I never masturbated, I told the police the truth. When I was seen by a passing vehicle, I never masturbated, hand over my mouth and other hand with a flashlight.

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I declare under penalty of perjury that the foregoing is true and correct. Executed on December 9, 2018.

Brian D. Hill  
Signed

Original Declaration  
dated November 29,  
2018. Hand written  
copy of original  
Declaration.

Brian David Hill (Pro Se)  
#302165  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24114  
U.S.W.G.O.

Respectfully filed with the Court, this the 10<sup>th</sup> day of December, 2018.

### Certificate of Service

I, Brian David Hill, certify that I mailed the foregoing pleading by depositing in a prepaid envelope in the Institution's mailing system on December 10, 2018.

Then under the In Forma Pauperis statute, I request that the Clerk of the Court file this pleading, then serve all parties to this case by Notice of Electronic Filing through the CM/ECF system which will notify such parties.

Brian D. Hill  
Signed

Brian David Hill (Pro Se)  
#302165  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24114  
55 West Church Street  
Martinsville, VA 24112  
U.S.W.G.O.

Note: Hand written (imperfect) copy of original Declaration dated November 29, 2018, mailed December 3, 2018. Assumed lost or fettered with. Few errors were produced during copying process.

# Carbon monoxide poisoning

By Brian David Hill's Grandparents, Stella & Ken Forinash on March 10, 2019

Roberta & Brian bought their home in January, 2016; moved in their new home in May, 2016. During the summer of 2017, we noticed many birds flying high above their house and one by one moving into the chimney each evening. <https://www.owenschimneysystems.com/its-chimney-swift-season/>. There are 3 chimney openings (one for the fireplace in Roberta's apartment, one for the fireplace in Brian's apartment and one for the gas furnace and gas hot water heater in the basement). These birds are called "Chimney Swifts". After Roberta was sure the birds were no longer here (in October or November, 2017), she called a chimney sweep company in Rocky Mount, VA to clean the chimney and put a screen over the chimney holes to keep the birds away. We noticed in 2018, there were no birds: however, a couple of months after the chimney people did their work during a snow storm in Dec. 2017, we noticed some ceiling damage in Brian's living room and what we thought was water damage in his fireplace, ceiling and walls all around his fireplace. No problems with Roberta's fireplace, so Roberta thought it was a foundation problem and cocked all around the house above Brian's fireplace. Roberta's apartment is on the top floor, Brian's apartment is below hers and the gas furnace & gas hot water heater is in the basement below Brian's apartment. She noticed more damage each month in the ceiling and around the fireplace in Brian's apartment, thought the problem was a foundation problem since her fireplace above Brian's was not getting any water damage. She noticed after she cocked the house, the leak was getting worse, She called a foundation company and waited for months for them to check the foundation of the house. They came after Brian was already in jail and told her it was not a foundation problem but a roofing problem.

**Dylan Caruso**  
Certified Field Inspector  
dcaruso@jeswork.com

Toll Free: 800 713 0224  
Office: 434 207 5000  
Mobile: 434 660 3484

**CERTIFIED**  
FOUNDATION PROFESSIONAL

Serving the Entire Mid-Atlantic Region

★ Known best for being better.      jeswork.com

Brian David Hill has our permission to show this to whomever he wants. Stella B. Forinash  
Kenneth R. Forinash

We called a roofing company who said that the roof was in good shape but she needed to put some type of flashing and other things around the chimney to bring the roof up costing \$2,600. After they left, she noticed that her fireplace was now leaking and a few weeks before they came the ceiling all around Brian's fireplace had fallen down due to all of the moisture. We called a carpenter, and he noticed that the ceiling that had fallen and needed to be replaced was right below the bricks from Roberta's fireplace platform. She called the roofing people back, and they told her that she needs to have a cap put over her fireplace. They were supposed to talk to their boss and call back, but after waiting a week, we decided to call a chimney company from Bassett, VA who had an A+ rating on the Better Business web site. He came to check to see what she needed and to give a price. We showed him her fireplace, Brian's fireplace with all the damage and the gas furnace and gas hot water heater in the basement. When he climbed his ladder to look at the fireplace, he discovered that all 3 openings were blocked and instead of the screen that she thought was over the holes, there was tin covering all 3 holes. He immediately took the tin off of the hole where the gas furnace and gas hot water heater was.

#### Roberta's note to us on 3/10/2009

Thanks! I am reading it now. We first noticed the chimney swifts going into our chimney in October of 2016.

I couldn't find the receipt from the chimney company, but I did find my notes. The company's name is "The Chimney Sweep" from Rocky Mount and they came on Oct. 5, 2017.

They have an A plus rating. I'm shocked!



Chimney Cleaning near Rocky Mount, VA | Better Business Bureau. Start with Trust®

BBB Directory of Chimney Cleaning near Rocky Mount, VA. BBB Start with Trust ®. Your guide to...

He then showed us what had happened and said that he could not leave there knowing that the tin was keeping the fumes from coming out of the chimney and couldn't believe a chimney company would cover it up. He said that was dangerous. He then came back in the house and showed us the damage in Brian's fireplace was not water damage but had come from the furnace and hot water heater because there was nowhere else for the fumes to go. He showed us all of the white residue in Brian's fireplace from the fumes & moisture escaping in his apartment. He told us the same as the carpenter to wait a few months to let everything dry before replacing the ceiling and the walls around the fireplace and he said that the white residue inside of the fireplace can be cleaned. There was now some white residue inside of Roberta's fireplace too, but the ceiling and the walls around her fireplace was still in good shape in her apartment. This is the name of the guy who took away the tin from the fireplace thus letting the gas furnace & gas water heater vent and prevent any more carbon monoxide poisoning in their basement and apartments. He can be called to confirm what we have written about this situation, and we need to have him to sign a statement about his findings on the outside chimney. This is his business card, and we are enclosing his work proposal (We also had him to do some work inside our fireplaces and replace the chimney cap on our fireplace) from 1/30/2019 when he removed the tin. He wrote that he was putting the chimney cap on Roberta's fireplace for the fireplace and boiler (furnace) & fixing something else. We are sending a copy of the receipt after he put the new chimney cap and did repairs on 2/4/2019. Here is a copy of his business card with his name, address and phone:



Brian David Hill was living in a home with carbon monoxide poisoning from Oct. 5, 2017 till September 21, 2018 (almost one year). He was home most of the time, using the natural gas hot water heater for hours each day doing his OCD washing routines. His apartment fireplace had the most damage including the walls all around the fireplace and losing some of the ceiling above his fireplace due to excessive moisture that we thought was from snow and rain. We learned on 1/30/2019 that it was residue from the boiler furnace and gas hot water heater having nowhere else for the fumes and moisture to escape. Roberta was living in this house with the carbon monoxide from Oct 5, 2017 till Jan. 30, 2019, but her apartment was not infected as badly as Brian's was.

Roberta and Brian Hill had complained for months about being real tired and weak, and we noticed that Roberta's head was shaking. Brian was complaining that he couldn't think straight and was having some memory problems. We all talked about this during our visit with him today (3/9/2019) and wondered if that had anything to do with why Brian left his home the night of Sept. 21, 2018 and was walking around confused miles from his home that night. Brian also had a bad fall in his apartment a few months after the chimney people were there during the winter of 2018 (The hospital at Martinsville, VA should have this record and date: Call 276-666-7200. (Brian was a patient in this hospital in the mental department in December, 2013. The hospital should have on record that Brian is a brittle diabetic using insulin and has autism, yet when the police brought him to the hospital on Sept 21, 2018, the hospital let him be arrested instead of keeping him in the hospital doing test to see why he was acting so strangely). When his mom checked on him that winter night in 2018, he was asleep in his bed with blood all over. She called 9-1-1, but he refused to go to the hospital without doing his OCD routine. During his hand washing routine and washing the blood on his forehead, he vomited and was having bad leg cramps. We finally got him to the Martinsville, VA hospital hours later, and they put staples in his forehead. We found out later that he had fallen in his office and broke his desk. There was a lot of blood on the floor and some way he got into his bed in his bedroom and was apparently asleep when his mom, Roberta went to his room to check his blood glucose, and there was blood all over his pillows, his bed and his face. We told Brian we would check to see if the carbon monoxide from his fireplace can cause confusion, and this is what we found: **These can include agitation, confusion, depression, lethargy, impulsiveness, hallucinations, confabulation, distractibility, and memory problems.**

- Patient Care & Health Information
- Diseases & Conditions

### Carbon monoxide poisoning

Mayo Clinic

## Overview

Carbon monoxide poisoning occurs when carbon monoxide builds up in your bloodstream. When too much carbon monoxide is in the air, your body replaces the oxygen in your red blood cells with carbon monoxide. This can lead to serious tissue damage, or even death.

Carbon monoxide is a colorless, odorless, tasteless gas produced by burning gasoline, wood, propane, charcoal or other fuel. Improperly ventilated appliances and engines, particularly in a tightly sealed or enclosed space, may allow carbon monoxide to accumulate to dangerous levels.

If you think you or someone you're with may have carbon monoxide poisoning, get into fresh air and seek emergency medical care.

### **Signs and symptoms of carbon monoxide poisoning may include:**

- Dull headache; Weakness; Dizziness; Nausea or vomiting; Shortness of breath; Confusion; Blurred vision; Loss of consciousness

Carbon monoxide poisoning can be particularly dangerous for people who are sleeping or intoxicated. People may have irreversible brain damage or even die before anyone realizes there's a problem. If you or someone you're with develops signs or symptoms of carbon monoxide poisoning — headache, dizziness, nausea, shortness of breath, weakness, confusion — get into fresh air immediately and call 911 or emergency medical help.

Hospital staff will need critical information as soon as you arrive. On the way to the hospital, try to prepare to answer questions about:

- Possible sources of carbon monoxide exposure; Signs or symptoms, and when they started
- Any mental impairment, including confusion and memory problems
- When you see the doctor, note that history is more important than symptoms. The most important way to recognize carbon monoxide poisoning is by recognizing the danger signs of behaviors leading up to the moment that symptoms started appearing.
- Faulty stoves, fireplaces, or wood-burning appliances are usually to blame for carbon monoxide poisoning in the home.

**Progressed Symptoms:** As carbon monoxide poisoning progresses, symptoms get more serious, but are still extremely vague and difficult to identify as specific to carbon monoxide exposure:

- Confusion
- Shortness of breath
- Chest pain
- Vomiting
- Blurry or double vision
- Loss of consciousness

#### Self Checks/At-Home Testing

There isn't a self-diagnosis option for carbon monoxide poisoning, but anyone with confusion or a loss of consciousness should have 911 called for them.

**Long-Term Complications:** As common as carbon monoxide poisoning is, there is a lot we still do not understand about this condition. Long-term exposure to elevated levels of carbon monoxide—even when the levels aren't that high, but the exposure continues for many days or weeks—can lead to peripheral artery disease, cardiomyopathy, and long-term, poorly understood neurological problems.

**Damage to the brain** is a significant injury incurred by many patients with carbon monoxide poisoning. Patients can develop neurological complications (difficulty concentrating, memory loss, tremors, trouble speaking, etc.) at the same time as the carbon monoxide poisoning or at a later time. When the neurological signs and symptoms show up later, it's known as delayed neurologic sequelae (DNS).

- Make sure your gas appliances are vented properly. Horizontal vent pipes for appliances, such as a water heater, should go up slightly as they go toward outdoors, as shown below. This prevents CO from leaking if the joints or pipes aren't fitted tightly.
- Have your chimney checked or cleaned every year. Chimneys can be blocked by debris. This can cause CO to build up inside your home or cabin.

[https://www.medicinenet.com/carbon\\_monoxide\\_poisoning\\_symptoms\\_and\\_signs/symptoms.htm](https://www.medicinenet.com/carbon_monoxide_poisoning_symptoms_and_signs/symptoms.htm)

**These can include agitation, confusion, depression, lethargy, impulsiveness, hallucinations, confabulation, distractibility, and memory problems. Visual disturbances and seizure, as well as fainting (syncope), can also be related to carbon monoxide toxicity. May 15, 2017. Enclosed are work proposal Jan 30, 2019 and Receipt from February 4, 2019.**

Brian, enclosing letter we wrote to your attorney. Love you, Grandma & Grandpa<sup>641</sup>

**SUBMITTED TO:**

Name Ken  
Street 207 Grosvenor St  
City, State, Zip Martinsville VA  
Phone \_\_\_\_\_

E-mail \_\_\_\_\_

Job location \_\_\_\_\_

916**JOB DESCRIPTION:**

310 Forest Install multi flue chimney  
cap on chimney for fireplace and  
boiler 400' Includes seating

916 Chalmer's  
Install multi flue chimney cap  
on chimney for fireplace and furnace  
\$225.00

**TERMS OF PROPOSAL:**

Amount \$ \_\_\_\_\_ Proposal good for \_\_\_\_\_ days.

Terms of payment \_\_\_\_\_

Authorized signature \_\_\_\_\_

All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Property owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

**ACCEPTANCE OF PROPOSAL:**

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_

Date of acceptance \_\_\_\_\_

276-629-4453

DATE \_\_\_\_\_

2-4-19

**SOLD TO**

Roberta Hill

**ADDRESS**

Robert H. Hill  
310 Forest St Mville

**SALESMAN**

## TERMS

**CASH**

**CHARGE**

C. O. D.

**PAID OUT**

**RETD. MDSE.**

**RECD. ON ACCT.**

QUAN.

### DESCRIPTION

**PRICE**

AMOUNT

7

Install Stainless  
Steel Multi-Sue  
Chimney CAP

\$2400.00

Paid CKH

194

**Accompanied By This Bill**

Hey Brian,

I hope you are doing well.

Brian, here is an excerpt from a *USA Today* article about Hayley Moss. She is the lawyer I told you about on Saturday.

*"Zumpano Patricios now calls Moss "one of the first documented autistic attorneys to join the Florida Bar and a major law firm," though firm co-founder Joe Zumpano believes "she may be one of the first nationally.""*

I know you have an interest in law, too, so she reminds me of you. She also is an author, just like you.

Remember when I told you that the fireplace man found out that our chimney had been completely sealed and that would have exposed our apartments to carbon monoxide?

Brian I looked up the effects of carbon monoxide poisoning and copy and pasted them on here. Both of us were complaining that we were tired a lot. The fireplace man told us that carbon monoxide would settle down to the lowest part of our home, which would be the basement; however your apartment is just above the basement and lower than my apartment.

*Because the symptoms of carbon monoxide poisoning can be vague and nonspecific, the diagnosis may be missed or not suspected, particularly when vague, flu-like symptoms develop.*

- *Headache,*
- *dizziness, and*
- *nausea are the most common symptoms.*

*Other possible symptoms and signs include*

- *malaise,*
- *fatigue,*

- *chest pain,*
- *shortness of breath,*
- *vomiting,*
- *diarrhea,*
- *weakness,*
- *abdominal pain, or*
- *fecal and urinary incontinence.*

*A number of different psychological and neurologic symptoms can also be present. These can include agitation, confusion, depression, lethargy, impulsiveness, hallucinations, confabulation, distractibility, and memory problems. Visual disturbances and seizure, as well as fainting (syncope), can also be related to carbon monoxide toxicity. Severe cases of carbon monoxide poisoning can lead to coma and death.*

[https://www.medicinenet.com/carbon\\_monoxide\\_poisoning\\_symptoms\\_and\\_signs/symptoms.htm](https://www.medicinenet.com/carbon_monoxide_poisoning_symptoms_and_signs/symptoms.htm)

I think you need to discuss this in your next meeting with Dr. Rainy and show her this list. This also needs to be brought up at your hearing in Martinsville. You told me that you don't remember everything that happened that night.

I enjoyed our visit on Saturday! I miss you!

Love,

Mom

In The Circuit Court of Martinsville  
For The Commonwealth of Virginia

Commonwealth of Virginia,  
Plaintiff,

Case no.  
C18-3138

v.

Brian David Hill,  
Defendant,

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 05/06/2019 @09:23:31

TESTE:

CC  
CLERK/DEPUTY CLERK

Notice of Change of Address

Notice is hereby given from criminal defendant Brian David Hill that since April 16, 2019, Tuesday, up until the date of this filing was filed, Defendant's address is changed changed to FCI Petersburg. Respectfully filed with the Court, this the 30<sup>th</sup> day of April, 2019.

Brian D. Hill  
Signed

I miss my family.

I hope to see my family again.

-Qanon-

-Drain The Swamp-

-Make America Great Again-

Brian David Hill

#29947-057

Special Housing Unit/SHU

FCI Petersburg

PO Box 1000

Petersburg, VA 23804

Stanley's blog: JusticeForUSNG2.wordpress.com

April 30, 2019

To Hon. Ashby Pritchett  
Clerk of Martinsville, VA Circuit Court  
P.O. Box 1206, Martinsville, VA 24114-1206

Dear Clerk,

Re: Case no. C18-3138

When is my trial date? Were my Pro Se Motions entered into the record for my case?

I haven't seen my Attorney Scott Albrecht yet since December, 2018.

Did the Commonwealth respond to my two Pro Se Motions with evidence?

Can you mail me the Docket Report or let me know when my trial date is set for my case once I am transferred to Western VA Regional Jail?

Brian D. Hill  
*Signed*

U.S.W.G.O.

-Qanon-  
-Drain The Swamp-

JusticeForUSWGO.wordpress.com

Sincerely,

Brian David Hill

#29947-057

Special Housing Unit/SHU  
FCI Petersburg

P.O. Box 1000

Petersburg, VA 23804

Brian David Hill #29947-057  
Federal Correctional Institution  
P.O. Box 1000  
Petersburg, VA 23804

RICHMOND VA 230

01 MAY 2019 PM 3 L



Hon. Ashby Pritchett  
Offices of the Clerk  
Martinsville, VA Circuit Court  
P.O. Box 1206  
Martinsville, VA 24114-1206

1 FGA<sup>648</sup> MAIL

CIRCUIT COURT CLERK'S OFFICE  
**City of Martinsville**  
POST OFFICE BOX 1206  
MARTINSVILLE, VIRGINIA 24114-1206

ASHBY R. PRITCHETT, CLERK



May 6, 2019

Brian David Hill # 29947-057  
FCI Petersburg Special Housing Unit/SHU  
P.O. Box 1000  
Petersburg VA 23804

RE: Case Status

Mr. Hill:

I received your handwritten correspondence today, and will answer your inquiries in order.

No trial date is set. The Commonwealth is waiting for you to be released from federal custody and returned to a state facility. The case remains on our Court docket under review.

Your pro se motions have been received and scanned into your case record. Copies of each have been provided to Scott Albrecht, your attorney.

The Commonwealth has not responded to your pro se motions.

When you are returned to state custody, your case will resume. Your attorney will resume authority for your defense. You will be notified of your trial date.

  
Ashby R. Pritchett, Clerk

# Exhibit 1

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN



MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

VIRGINIA  
In City of Martinsville Circuit Court  
Clerk's Office.

Received and Filed this the

22 Day of July, 2019  
at 9:30 AM

Testa: Ashley C. Pritchard Clerk

To Whom This May Concern:

On January 30, 2019 I went to the house at 310 Forest St., Martinsville, Va 24112 to measure and give a price for a Chimney cover. Roberta Hill and her parents: Ken & Stella Forinash escorted me to Apt 1 to show me the fireplace which had a small amount of white residue inside, no damage to the ceiling and wall around the fireplace. They then escorted me downstairs to Apt 2 where parts of the ceiling above the fireplace had fallen and there was a lot of damage in the remaining ceiling below the hearth of the fireplace in apt 1 located above apt 2 and a lot of damage along the wall in apt 2 above and on both sides of the fireplace as well as a lot of white residue inside of the fireplace. After this, we went down another flight of stairs to the basement where the gas boiler heater and the gas hot water heater were located to show me that there would be 3 holes in the chimney.

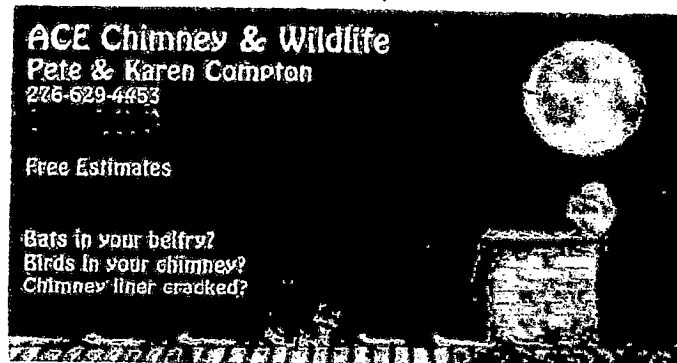
I then went outside and got my ladder to measure the chimney. This was when I found out that all 3 holes were covered with tin. Knowing that the gas boiler heater & gas hot water heater needed to be vented at all times, I immediately removed the tin covering the hole so carbon monoxide would no longer go through the house. Ms Hill had informed me that she had called a chimney sweep in Rocky Mount, VA in October, 2017 to clean the chimney and to put screen on all holes after the family spotted birds going into their fireplace the year before. In my 25 years of doing this type of work, this was the first time I have ever seen tin covering holes where it is important to vent gas heaters. I showed the family the tin I had just removed and had them to climb my ladder to look at the chimney. We then went back in the house, and I informed them that the white residue inside both fireplaces was from the gas that had no other place to escape and informed them that they had been exposed to carbon monoxide poisoning, but now that the tin had been removed, there should no longer be any problems. I returned to the house on February 4, 2019 and installed a stainless steel multifaceted chimney cap vented with screen on all 4 sides.

Signed as a witness on this date: Kenneth R. Townsend 6-13-19

Pete Compton 6-13-19

Pete Compton ACE Chimney & Wildlife; Bassett, VA

Phone 276-629-4453



# Exhibit 2

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

**U.S.W.G.O.**

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

HILL, BRIAN D  
 MM7805836274 PRE ER MM.ER  
 11/19/17 0850 UNKNOWN, UNKNOWN  
 DOB: 05/26/90 27 M MR# MM00370912  
 Sovah Health - Martinsville

## Sovah Health Martinsville

320 Hospital Drive  
 Martinsville, VA 24112  
 276-666-7237

11/9/17  
 97  
 98.1  
 18

### Emergency Department Instructions for:

Hill, Brian D

Arrival Date:

Sunday, November 19, 2017

Thank you for choosing **Sovah Health Martinsville** for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

Care provided by: Ekuban-Gordon, Edna, MD

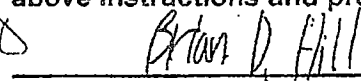
Diagnosis: Head Laceration/ Open wound of head; Hyperglycemia, unspecified

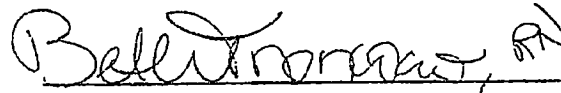
DISCHARGE INSTRUCTIONS	FORMS
Head Injury, Adult Facial Laceration Hyperglycemia, Easy-to-Read Stitches, Staples, or Adhesive Wound Closure, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
Private Physician When: 2 - 3 days; Reason: Wound Recheck	None
SPECIAL NOTES	
None	

Suicide National Hotline: 1-800-273-8255 (800-273-TALK)

If you received a narcotic or sedative medication during your Emergency Department stay you should not drive, drink alcohol or operate heavy machinery for the next 8 hours as this medication can cause drowsiness, dizziness, and decrease your response time to events.

I hereby acknowledge that I have received a copy of my transition care record and understand the above instructions and prescriptions.

  
 Brian Hill  
 MRN # MM00370912

  
 ED Physician or Nurse  
 11/19/2017 12:14

### X-RAYS and LAB TESTS:

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you

had a culture done it will take 24 to 72 hours to get the results. If there is a change in the x-ray diagnosis or a positive culture, we will contact you. Please verify your current phone number prior to discharge at the check out desk.

**MEDICATIONS:**

If you received a prescription for medication(s) today, it is important that when you fill this you let the pharmacist know all the other medications that you are on and any allergies you might have. It is also important that you notify your follow-up physician of all your medications including the prescriptions you may receive today.

**TESTS AND PROCEDURES**

---

**Labs**

CMP, Complete Blood Count W/auto Diff, Thyroid Stimulating Hormone, POC GLU, POC GLU

**Rad**

CT Head w/o Contrast, Chest 1 View - Portable

**Procedures**

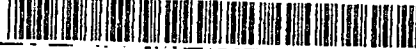
Blood Sugar, 12 Lead EKG, Laceration

**Other**

Seizure precautions, Accucheck, Cardiac Monitor, Apply to Pt, Pulse ox continuous, Oxygen at 2 L/NC, IV saline lock, EKG ED, Laceration repair set up

**Chart Copy**

HILL, BRIAN D  
MM7805836274 PRE ER PM.ER  
11/19/17 0850 UNKNOWN, UNKNOWN  
DOB: 05/26/90 27 M MR# MM00370912  
Sovah Health - Martinsville



HILL, BRIAN

ID: 000370912

19-Nov-2017 19:06:11

Memorial Hospital of Martinsville

27years

Male Caucasian

Vent. rate 105 bpm

PR interval 158 ms

QRS duration 92 ms

QT/QTc 328/433 ms

P-R-T axes 64 64 52

Sinus tachycardia

Possible Left atrial enlargement

Borderline ECG

Room: 6

Loc: 15

T HILL, BRIAN D

NM/805836274 PRE ER MLTR

11/19/17 0650 GORDON, EKUBA

DOB 05/26/90 77 8 104 100 300 100

South Health Martinsville

Visit: MM7805836274

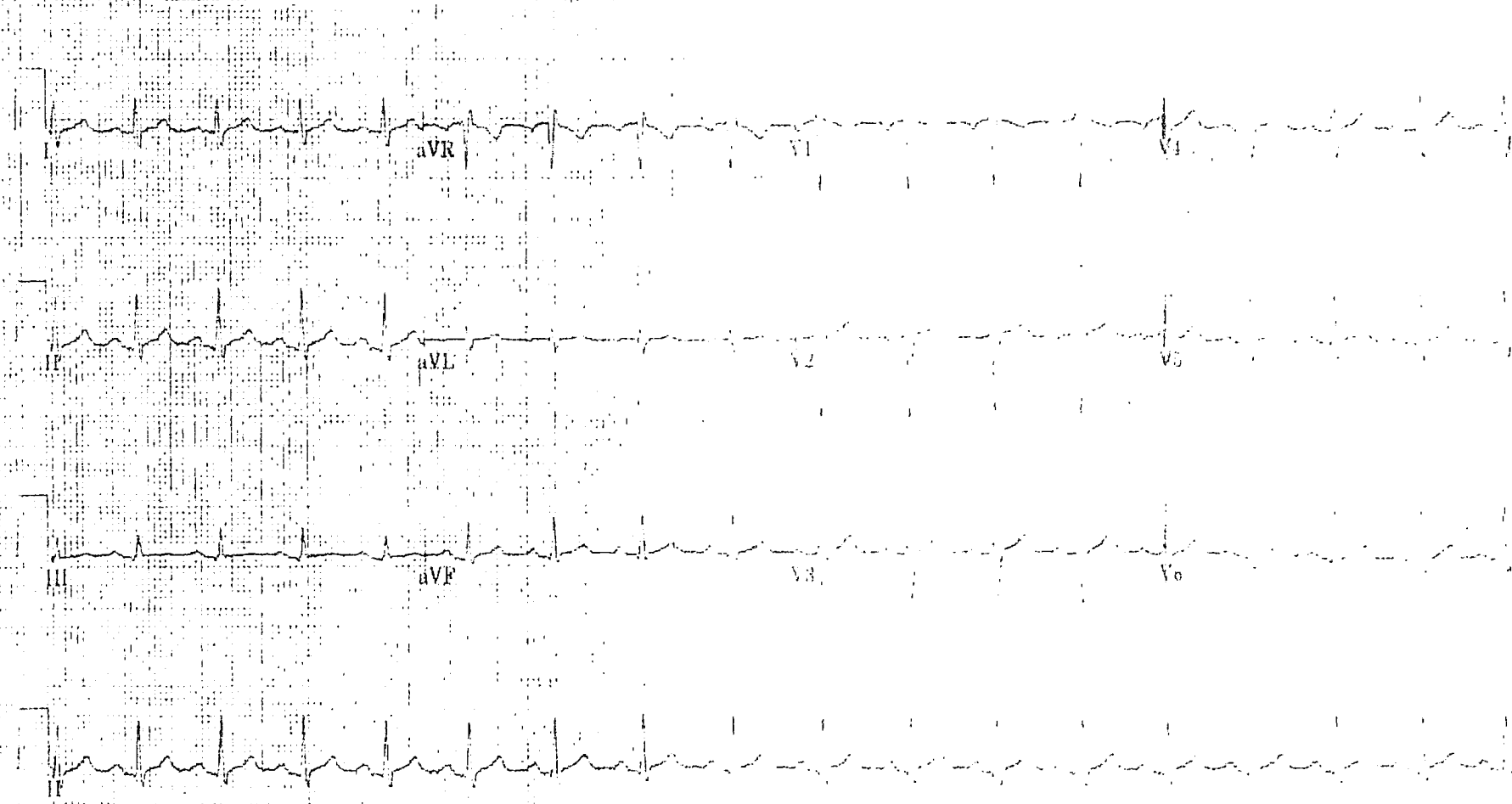
Secondary ID: MM216937

Referred by: EKUBAN GORDON, EDNA

Order no: 211890013

Unconfirmed

CHEST PAIN



100 Hz 25.0 mm/s 10.0 mm/mV

4 by 2.54 + 1 rhythm id

MAC55 910B

7 DESL 211 ID

655

MM/03/10/17 11:11:11 South Health - Martinsville

ECG Scanned Page 1/1

Job: 12468 (07/02/2019 14:03) - Page 35 Doc# 17

SOVAH HEALTH - MARTINSVILLE  
 320 HOSPITAL DRIVE - P.O. BOX 4788  
 MARTINSVILLE, VA 24112 (276)666-7360  
 CLIA NO. 49D0231853 RT CLIA NO. 4D0661287

PAGE:1

RUN DATE:11/23/17

DISCHARGE SUMMARY FOR MEDICAL RECORDS FOR LABORATORY

CMAX: MM00370912-MM7805836274-LABDATA-20171123-LABDISMM1001869144-COCMMH-COCVAE-LAB.COCMMH-

PATIENT: HILL, BRIAN D	ACCT #: MM7805836274	LOC: MM.ER	U #: MM00370912
	AGE/SX: 27/M	ROOM:	REG: 11/19/17
REG DR: EKUBAN-GORDON, EDNA MD	DOB: 05/26/90	BED:	DIS:
	STATUS: DEP ER	TLOC:	

\*\*\*\*\*POINT OF CARE\*\*\*\*\*

Date	-----11/19/17-----			
Time	1006	0943	Reference	Units
POC GLU	429 H	435 H	(65-100)	MG/DL

\*\*\*\*\*HEMATOLOGY\*\*\*\*\*

Date	11/19/17			
Time	1007		Reference	Units

WBC	11.6 H	(4.5-11.0)	K/UL
RBC	5.32	(4.50-5.90)	M/UL
HGB	15.8	(14.0-17.5)	G/DL
HCT	46.0	(35.0-49.0)	%
MCV	86.5	(80-96)	UM3
MCH	29.7	(27-32)	PG
MCHC	34.3	(32-37)	G/DL
RDW	13.1	(11.5-14.5)	%
RDW-SD	41.1	(35.1-43.9)	f1
PLT	241	(140-440)	K/UL
MPV	10.8 H	(7.4-10.4)	f1
SEGS %	84 H	(37-80)	%
SEG ABSOLUTE	9.77 H	(1.5-6.8)	K/UL
LYMPH %	10	(10-50)	%
LYMPH ABSOLUTE	1.10	(1.0-4.0)	K/UL
MONO %	6	(0-12)	%
MONO ABSOLUTE	0.64	(0.2-1.0)	K/UL
EOS %	0	(0-7)	%
EOS ABSOLUTE	0.05	(0.0-0.5)	K/UL
BASO %	0	(0-2)	%
BASO ABSOLUTE	0.04	(0.0-0.2)	K/UL
IG %	0.3		%
IG ABSOLUTE	0.0	(0.0-0.1)	

Patient: HILL, BRIAN D      Age/Sex: 27/M      Acct#MM7805836274      Unit#MM00370912

# Exhibit 3

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

**U.S.W.G.O.**

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

# ClinicalEvidence

LEARN, TEACH AND PRACTISE EBM



BMJ Clin Evid. 2008; 2008: 2103.

Published online 2008 Jul 23.

PMCID: PMC2907971

PMID: 19445736

## Carbon monoxide poisoning (acute)

Kent Olson, MD, FACEP, FACMT, FACCT, Medical Director and Clinical Professor of Medicine & Pharmacy<sup>#</sup>  
and Craig Smolin, MD, Assistant Medical Director and Clinical Professor of Medicine<sup>#</sup>

Kent Olson, California Poison Control System, San Francisco Division and The University of California,  
California, USA;

Contributor Information.

<sup>#</sup>Contributed equally.

CS and KO declare that they have no competing interests.

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### Abstract

#### Introduction

Carbon monoxide is an odourless, colourless gas, and poisoning causes hypoxia, cell damage, and death. Exposure to carbon monoxide is measured either directly from blood samples and expressed as a percentage of carboxyhaemoglobin, or indirectly using the carbon monoxide in expired breath. Carboxyhaemoglobin percentage is the most frequently used biomarker of carbon monoxide exposure. Although the diagnosis of carbon monoxide poisoning can be confirmed by detecting elevated levels of carboxyhaemoglobin in the blood, the presence of clinical signs and symptoms after known exposure to carbon monoxide should not be ignored.

#### Methods and outcomes

We conducted a systematic review and aimed to answer the following clinical question: What are the effects of oxygen treatments for acute carbon monoxide poisoning? We searched: Medline, Embase, The Cochrane Library, and other important databases up to March 2007 (BMJ Clinical Evidence reviews are updated periodically; please check our website for the most up-to-date version of this review). We included harms alerts from relevant organisations such as the US Food and Drug Administration (FDA) and the UK Medicines and Healthcare products Regulatory Agency (MHRA).

#### Results

We found 12 systematic reviews, RCTs, or observational studies that met our inclusion criteria. We performed a GRADE evaluation of the quality of evidence for interventions.

#### Conclusions

In this systematic review, we present information relating to the effectiveness and safety of the following interventions: 100% hyperbaric oxygen, oxygen 28%, and oxygen 100% by non-re-breather mask.

## Key Points

---

The main symptoms of carbon monoxide poisoning are non-specific in nature and relate to effects on the brain and heart. The symptoms correlate poorly with serum carboxyhaemoglobin levels.

- People with comorbidity, the elderly or very young, and pregnant women are most susceptible.
- Carbon monoxide is produced by the incomplete combustion of carbon fuels, including inadequately ventilated heaters and car exhausts, or from chemicals such as methylene chloride paint stripper.
- Poisoning is considered to have occurred at carboxyhaemoglobin levels of over 10%, and severe poisoning is associated with levels over 20-25%, plus symptoms of severe cerebral or cardiac ischaemia. However, people living in areas of pollution may have levels of 5%, and heavy smokers can tolerate levels up to 15%.
- Severe poisoning can be fatal, and up to a third of survivors have delayed neurological sequelae.

Immediate care requires removal of the person from the source of carbon monoxide and giving oxygen through a non-re-breather mask.

- Normobaric 100% oxygen reduces the half-life of carboxyhaemoglobin and is considered to be effective, but studies proving benefit compared with air or lower concentrations of oxygen have not been identified, and would be unethical.
- Paramedics use 28% oxygen and is thought to be beneficial compared with air, but may be less effective than higher concentrations.
- We don't know what is the optimum duration of oxygen treatment, but it is usually continued for at least 6 hours, or until carboxyhaemoglobin levels fall below 5%.

We don't know whether hyperbaric oxygen is more effective than normobaric 100% oxygen at preventing neurological complications in people with mild-to-moderate or moderate-to-severe carbon monoxide poisoning.

- Clinical benefit of hyperbaric 100% oxygen may depend on the treatment regimen used.
- The possible benefits of hyperbaric oxygen for an individual need to be weighed against the hazards of a long journey by ambulance.

## About this condition

---

### Definition

Carbon monoxide is an odourless, colourless gas, and poisoning causes hypoxia, cell damage, and death. **Diagnosis of carbon monoxide poisoning:** Exposure to carbon monoxide is measured either directly from blood samples and expressed as a percentage of carboxyhaemoglobin, or indirectly using the carbon monoxide in expired breath. Carboxyhaemoglobin percentage is the most frequently used biomarker of carbon monoxide exposure. Although the diagnosis of carbon monoxide poisoning can be confirmed by detecting elevated levels of carboxyhaemoglobin in the blood, the presence of clinical signs and symptoms after known exposure to carbon monoxide should not be ignored. The signs and symptoms of carbon monoxide poisoning are mainly associated with the brain and heart, which are most sensitive to hypoxia. The symptoms of carbon monoxide poisoning are non-specific and varied, and include headache, fatigue, malaise, "trouble thinking", confusion, nausea, dizziness, visual disturbances, chest pain, shortness of breath, loss of consciousness, and seizures. In people suffering

from co-morbidities, symptoms such as shortness of breath or chest pain may be more evident. The classical signs of carbon monoxide poisoning — described as cherry-red lips, peripheral cyanosis, and retinal haemorrhages — are rarely seen. **Interpretation of carboxyhaemoglobin levels:** Non-smokers living away from urban areas have carboxyhaemoglobin levels of 0.4-1.0%, reflecting endogenous carbon monoxide production, whereas levels of up to 5% may be considered normal in a busy urban or industrial setting. Smokers are exposed to increased levels of carbon monoxide in cigarettes, and otherwise healthy heavy smokers can tolerate levels of carboxyhaemoglobin of up to 15%. The use of carboxyhaemoglobin percentage as a measure of severity of carbon monoxide poisoning, or to predict treatment options, is limited because carboxyhaemoglobin levels are affected by removal from the source of carbon monoxide and any oxygen treatment given before measurement of percentage carboxyhaemoglobin. Additionally, people with co-morbidities that make them more sensitive to the hypoxia associated with carbon monoxide can present with symptoms of poisoning at carboxyhaemoglobin levels that are either low or within the normal range. Attempts have been made in the literature to equate symptoms and signs to different carboxyhaemoglobin levels, but it is accepted that carboxyhaemoglobin levels in an acutely poisoned person only roughly correlate with clinical signs and symptoms, especially those relating to neurological function. Earlier studies attempted to differentiate between smokers and non-smokers. Attempts have also been made in the literature to divide carbon monoxide poisoning into mild, moderate, and severe based on carboxyhaemoglobin percentage levels and clinical symptoms, but there is no clear clinical consensus or agreement on this issue. The degrees of poisoning have been described as *mild carbon monoxide poisoning*: a carboxyhaemoglobin level of over 10% without clinical signs or symptoms of carbon monoxide poisoning; *moderate carbon monoxide poisoning*: a carboxyhaemoglobin level of over 10%, but under 20-25%, with minor clinical signs and symptoms of poisoning, such as headache, lethargy, or fatigue; and *severe carbon monoxide poisoning*: a carboxyhaemoglobin level of over 20-25%, loss of consciousness, and confusion or signs of cardiac ischaemia, or both. **Population:** For the purpose of this review, we have included adults presenting to healthcare professionals with suspected carbon monoxide poisoning. Although there is no clear consensus on this issue, most studies examining carbon monoxide poisoning and its management use a carboxyhaemoglobin level of 10% or more, or the presence of clinical signs and symptoms after known exposure to carbon monoxide, to be indicative of acute carbon monoxide poisoning. Unless otherwise stated, this definition of acute carbon monoxide poisoning has been used throughout this review. Where appropriate, the terms mild, moderate, or severe have been used to reflect the descriptions of populations in individual studies.

### Incidence/ Prevalence

Carbon monoxide poisoning is considered to be one of the leading causes of death and injury worldwide, and is a major public health problem. In 2000, carbon monoxide was the recorded cause of 521 deaths (ICD 9-E986) in England and Wales compared with 1363 deaths recorded in 1985; a trend that has also been observed in the USA. Of the 521 deaths attributed to carbon monoxide poisoning, 148 were accidental and the remaining 373 the result of suicide or self-inflicted injury. Poisoning by carbon monoxide is almost certainly underdiagnosed because of the varied ways in which it can present, and it has been estimated that, in the USA, there are over 40,000 emergency department visits a year; many presenting with a flu-like illness. In 2003, 534 recorded medical episodes in English hospitals involved people suffering from the toxic effects of carbon monoxide. This may be a substantial underestimate if the US experience reflects the true morbidity associated with carbon monoxide poisoning. Studies in the USA have shown that the incidence of accidental carbon monoxide poisoning peaks during the winter months, and is associated with increased use of indoor heating and petrol powered generators, and reduced external ventilation. This seasonal rise in numbers coincides with the annual increase in influenza notifications, and given the similarity in symptoms, many cases of mild carbon monoxide poisoning are probably misdiagnosed.

## Aetiology/ Risk factors

**People at high risk:** People who are most at risk from carbon monoxide poisoning include those with CHD, CVD, or anaemia; pregnant women and their fetus; infants; and the elderly. In people with CHD, experimentally induced blood carboxyhaemoglobin levels of 4.5% shorten the period of exercise before the onset of anginal pain, and the duration of pain is prolonged. In people with anaemia, the oxygen-carrying capacity of the blood is already compromised and therefore they will be more sensitive to carbon monoxide. The elderly are at risk because of existing co-morbidities, such as heart disease or respiratory disease, and because of a reduced compensatory response to hypoxic situations. During pregnancy, a woman's oxygen-carrying capacity is reduced because of an increased endogenous carbon monoxide production and additional endogenous carbon monoxide from the developing fetus, leading to an increased carboxyhaemoglobin concentration. A higher ventilation rate during pregnancy will lead to increased uptake of carbon monoxide at any given carbon monoxide concentration. The fetus is also at risk, and there have been occasional fetal deaths in non-fatal maternal exposures. In the developing fetus, oxygen is released at a lower oxygen partial pressure, and fetal haemoglobin binds with carbon monoxide more quickly compared with adults. Carbon monoxide may be a teratogen where there is a significant increase in maternal carboxyhaemoglobin or where there is moderate-to-severe maternal toxicity. Infants may be more susceptible to the effects of carbon monoxide because of their greater oxygen consumption in relation to adults, and their response and symptoms are more variable. There are recorded instances of children travelling in the same car and having varying symptoms with similar carboxyhaemoglobin levels, or widely varying carboxyhaemoglobin levels with similar carbon monoxide exposure. **Sources of carbon monoxide:** Carbon monoxide is produced by the incomplete combustion of carbon containing fuel, such as gas (domestic or bottled), charcoal, coke, oil, and wood. Potential sources include: gas stoves, fires, and boilers; gas-powered water heaters; car exhaust fumes; charcoal barbeques; paraffin heaters; solid fuel-powered stoves; boilers; and room heaters that are faulty or inadequately ventilated. An overlooked source of carbon monoxide is methylene chloride in some paint strippers and sprays. Methylene chloride is readily absorbed through the skin and lungs and, once in the liver, is converted to carbon monoxide. Methylene chloride is stored in body tissues and released gradually; the carbon monoxide elimination half-life in people exposed to methylene chloride is more than twice that of inhaled carbon monoxide. Natural background levels of carbon monoxide in the outdoor environment range from 0.01-0.23 mg/m<sup>3</sup> (0.009-0.2 ppm), but, in urban traffic in the UK, the 8 hour mean concentrations are higher at about 20 mg/m<sup>3</sup> (17.5 ppm); exposure to this level for prolonged periods could result in a carboxyhaemoglobin level of about 3%.

## Prognosis

Prognosis data in carbon monoxide poisoning are inconclusive and contradictory. However, there is general agreement that outcome and prognosis are related to the level of carbon monoxide that a person is exposed to, the duration of exposure, and the presence of underlying risk factors. A poor outcome is predicted by lengthy carbon monoxide exposure, loss of consciousness, and advancing age. In addition, hypotension and cardiac arrest independently predict permanent disability and death. After acute carbon monoxide poisoning the organs most sensitive to hypoxia (the brain and heart) will be most affected. Pre-existing co-morbidities that affect these organs will, to an extent, influence the clinical presentation and the prognosis; an individual with pre-existing heart disease may present with myocardial ischaemia that could lead to infarction and death. The prognosis for people resuscitated after experiencing cardiac arrest with carbon monoxide poisoning is poor. In a small retrospective study, 18 people with carboxyhaemoglobin levels of  $31.7 \pm 11.0\%$  given hyperbaric oxygen after resuscitation post-cardiac arrest all died. The effects on the brain are more subtle, given that different sections of the brain are more sensitive to hypoxic insults, either as a consequence of reduced oxygen delivery, or by direct effects on intracellular metabolism. Therefore, in addition to the acute neurological sequelae leading to loss of consciousness, coma, and death, neurological sequelae, such as

poor concentration and memory problems, may be apparent in people recovering from carbon monoxide poisoning (persistent neurological sequelae) or develop after a period of apparent normality (delayed neurological sequelae). Delayed neurological sequelae develop between 2 and 240 days after exposure, and are reported to affect 10-32% of people recovering from carbon monoxide poisoning. Symptoms include cognitive changes, personality changes, incontinence, psychosis, and Parkinsonism. Fortunately, 50-75% of people recover within 1 year.

#### Aims of intervention

To reduce mortality, normalise carboxyhaemoglobin levels, alleviate symptoms, reduce the incidence of delayed neuropsychological sequelae, and reduce cardiovascular morbidity.

#### Outcomes

Improve conscious levels and cardiovascular parameters; limit neurological sequelae; reduce mortality, hyperoxic seizures, barotrauma associated with hyperbaric oxygen, and serum carboxyhaemoglobin levels.

#### Methods

*BMJ Clinical Evidence* search and appraisal March 2007. The following databases were used to identify studies for this review: Medline 1966 to March 2007, Embase 1980 to March 2007, and The Cochrane Database of Systematic Reviews and Cochrane Central Register of Controlled Clinical Trials 2007, Issue 1. Additional searches were carried out using these websites: NHS Centre for Reviews and Dissemination (CRD) — for Database of Abstracts of Reviews of Effects (DARE) and Health Technology Assessment (HTA), Turning Research into Practice (TRIP), and NICE. Abstracts of the studies retrieved from the initial search were assessed by an information specialist. Selected studies were then sent to the contributor for additional assessment, using predetermined criteria to identify relevant studies. Study design criteria for inclusion in this review were: for hyperbaric oxygen, only published systematic reviews and RCTs in any language, and containing any number individuals; for interventions other than hyperbaric oxygen, published systematic reviews and RCTs and observational studies in any language, and containing any number individuals. There was no minimum length or follow-up loss required to include studies. We included studies described as "blinded", "open", or "open label". We also did a search for cohort studies on specific harms of named interventions. Studies where the population consisted wholly of children or adolescents have been excluded. Studies and trials were considered in a hierarchical manner with systematic reviews of RCTs being considered as most robust evidence and anecdote the least robust. In the event of no systematic reviews or RCTs being available, observational study data were considered, but only included where it was considered unethical or impractical to conduct an RCT. In addition, we use a regular surveillance protocol to capture harms alerts from organisations such as the US Food and Drug Administration (FDA) and the UK Medicines and Healthcare products Regulatory Agency (MHRA), which are added to the reviews as required. We have performed a GRADE evaluation of the quality of evidence for interventions included in this review (see [table](#) ).

# Exhibit 4

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MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

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## TRANSIENT CARDIAC DYSFUNCTION IN ACUTE CARBON MONOXIDE POISONING

### To the Editor:

Carbon monoxide inhalation is a leading cause of poison-related morbidity and mortality in the United States (1). We report a patient with reversible right bundle branch block and severe cardiac dysfunction. This case describing a transient cardiac conduction block compliments those reported by others (2).

A 49-year-old woman was found in an idling automobile in a closed ga-

rage. First responders arrived within 30 minutes and found her to have sinus tachycardia with a heart rate of 100 beats per minute, systolic blood pressure of 80 mm Hg, respiratory rate of 8 breaths per minute with room air oxygen saturation of 85%, and a Glasgow Coma Scale of 6. The patient was intubated, given intravenous crystalloid, and transported to a community hospital.

On arrival, the patient had a carboxyhemoglobin level of 35%, a lactate level of 5.0 mmol/L (45.5 mg/dL), and a negative toxicology screen. The electrocardiogram (ECG) showed sinus tachycardia. She was treated with intravenous crystalloid followed by dopamine for hypotension, and then flown to a level 1 trauma center and treated with hyperbaric oxygen therapy (3).

At this facility, her carboxyhemoglobin level was 5.7%, creatine kinase level was 3161 mg/dL, and creatine kinase-MB level was 30.7 mg/dL with a creatine kinase-MB/creatinine ratio of 1%. Troponin I level was 2.6 ng/mL. Chest radiograph showed bilateral lower lobe infiltrates. Dopamine was changed to norepinephrine because of refractory hypotension. An ECG demonstrated a new right bundle branch block (Figure 1, left). Troponin I levels peaked at 23.4 ng/mL on hospital day 2. The patient had no history of coronary artery disease and had no associated risk factors. An echocardiogram on hospital day 2 demonstrated a left ventricular ejection fraction of 20% with global hypokinesis and moderately reduced right ventricular function. The right bundle branch block resolved by hospital day 3 (Figure 1, right). Norepinephrine was discontinued on hospital day 3. A repeat echocardiogram on hospital day 4 demonstrated a left ventricular ejection fraction of 40% with mild global hypokinesis and normal right ventricular function. A myocardial perfusion scan on hospital day 8 demonstrated no evidence of ischemia or infarct and a left ventric-

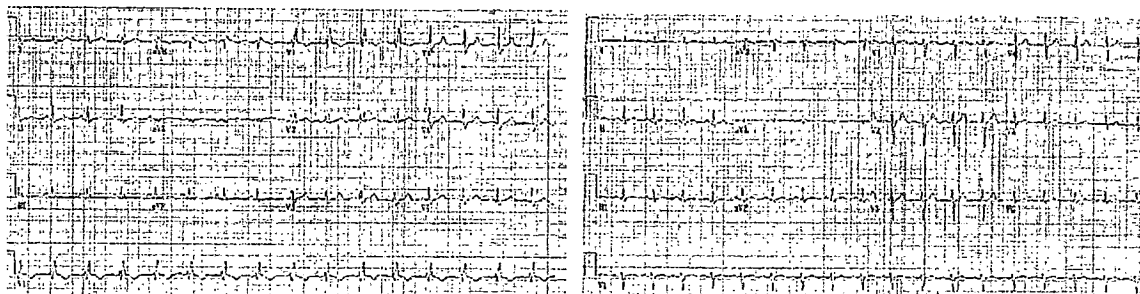
ular ejection fraction of 70% (Figure 2).

Neurologically the patient improved. She was extubated on day 6, and the Glasgow Coma Scale was 14. She exhibited cognitive dysfunction and balance problems. She was in rehabilitation from day 8 to 15 and was then discharged to an inpatient psychiatry unit. At 6 months, cognitive testing showed moderate depression and only subtle cognitive impairments.

This patient developed a reversible cardiac conduction block and severe, reversible left ventricular dysfunction. This case compliments prior reports of reversible left ventricular dysfunction with carbon monoxide inhalation (2). Reversible intraventricular cardiac conduction delays in carbon monoxide poisoning have been described in 2 cases (4), neither of which involved complete bundle branch block.

The patient had elevated troponin I levels suggesting cardiac myonecrosis. Prior reports of carbon monoxide poisoning suggest that cardiac toxicity is likely caused by acute, generalized tissue hypoxia and toxic effects on myocardial mitochondria (5). Throughout the patient's hospitalization, she had no ischemic ECG findings, such as ST-T abnormalities or Q waves. The patient's lack of known coronary artery disease and absence of risk factors, and normal follow-up nuclear perfusion study, suggest that her reversible cardiac dysfunction was due to acute carbon monoxide poisoning and not vascular obstruction, which agrees with a case report of acute myocardial infarction following carbon monoxide poisoning and subsequent normal coronary angiography (5).

The patient had cardiogenic shock requiring norepinephrine. Others have also reported reversible and persistent right and left ventricular dysfunction following acute carbon monoxide poisoning (4). It is uncertain how myocardial damage from carbon monoxide poisoning is differ-



**Figure 1.** Electrocardiogram of patient on arrival at the tertiary care center (left) and on hospital day 3 (right). The right bundle branch block resolved following hyperbaric treatments with the QRS narrowing from 130 to 90 ms.

ent from acute coronary arterial ischemia, and why the ventricular dysfunction may be reversible. Myocardial stunning may be responsible. Also, carbon monoxide poisoning causes oxidative stress (1), which could reduce nitric oxide levels, causing the heart to become stiffer (6), as well as causing direct myocardial injury. In addition to enhancing patient care, further understanding of the reversibility of carbon monoxide-induced myocardial dysfunction is important because carbon monoxide-poisoned patients are a potentially underutilized source of heart donors for transplantation (7).

Along with substantial troponin I elevation and reversible echocardiographic changes, the patient also

demonstrated a transient right bundle branch block. The reversible nature of her conduction disease could be consistent with acute carbon monoxide-induced myocardial stunning (8). ECG abnormalities have been described before in cases of carbon monoxide poisoning, including ST-segment and T-wave abnormalities, premature atrial and ventricular contractions, and atrial and ventricular fibrillation. We also discovered 2 other cases describing intraventricular conduction delays, but neither demonstrated a reversible or persistent right bundle branch block (9).

Myocardial injury with transiently abnormal ventricular function and electrical conduction can result from

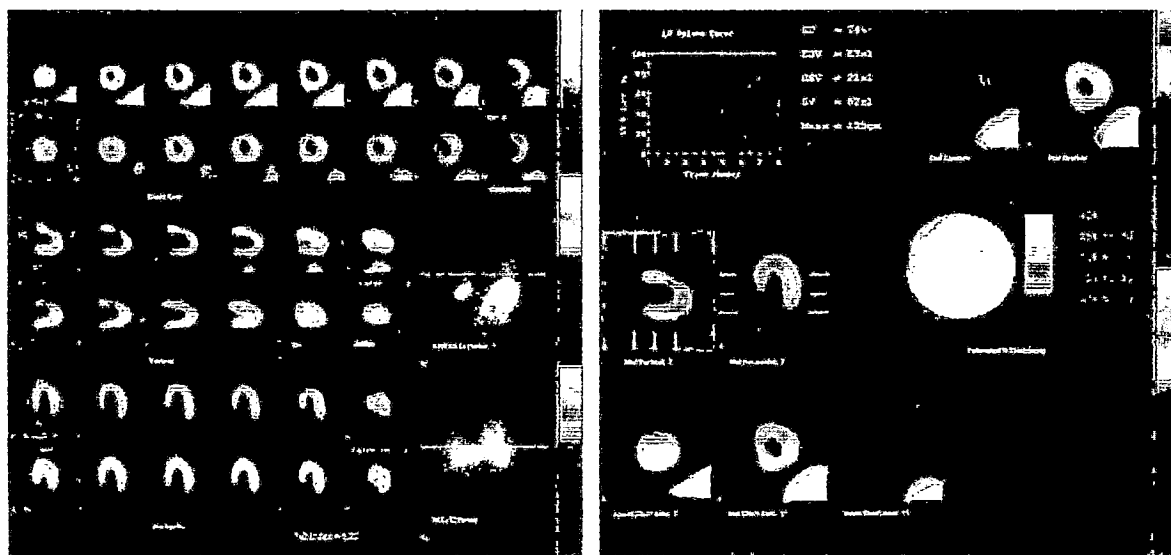
acute carbon monoxide poisoning, yet have a favorable cardiac outcome.

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**Figure 2.** Dual isotope nuclear medicine perfusion study. Noninvasive stress imaging demonstrated no reversible or fixed perfusion defects and a normal left ventricular ejection fraction of 70%.

# Exhibit 5

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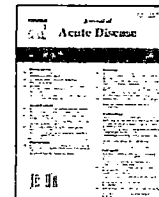
MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

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## Detection of neutrophil–lymphocyte ratio as a serum marker associated with inflammations by acute carbon monoxide poisoning

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### ABSTRACT

**Objective:** To investigate neutrophil–lymphocyte ratio (NLR), which is an indicator of systemic inflammation, in patients with carbon monoxide (CO) poisoning.

**Methods:** We included 528 patients (275 women) who presented with a diagnosis of CO poisoning between June 2009 and March 2014. Control group was composed of 54 patients (24 women). Platelet count and mean platelet volume level were significantly higher in the CO poisoning group.

**Results:** White blood cell level ( $9.8 \pm 3.3$  vs.  $8.6 \pm 2.9 \times 10^3/\text{mL}$ , respectively;  $P = 0.01$ ), neutrophil count ( $6.00 \pm 2.29$  vs.  $4.43 \pm 2.04 \times 10^3/\text{mL}$ , respectively;  $P < 0.01$ ) and NLR ( $3.01 \pm 2.34$  vs.  $2.23 \pm 1.27$ , respectively;  $P = 0.02$ ) were significantly higher in CO poisoning group.

**Conclusions:** The increase of NLR may indicate the progression of fatal complications due to CO poisoning.

## 1. Introduction

Carbon monoxide (CO) is a toxic gas that consists of one carbon and one oxygen atoms linked by two covalent bonds and one dative covalent bond, with no unpaired electrons<sup>[1]</sup>. CO poisonings are frequent and can lead to high morbidity and mortality, involving multiple organ systems and undetected CO exposure can be fatal<sup>[2]</sup>. Neurologic and cardiovascular complications are common. Unfortunately, symptoms are often non-specific and are frequently overlooked<sup>[3]</sup>.

The neutrophil–lymphocyte ratio (NLR) is easy, cheap, noninvasive, and widely available laboratory marker of systemic inflammation. Recently, it gained increased interest due to its role as an independent prognostic factor for many conditions

such as uncontrolled hypertension, diabetes mellitus, acute coronary syndromes, valvular heart disease, congenital heart disease, renal or hepatic dysfunction, malignancy, local or systemic infection, and some other inflammatory diseases<sup>[4,5]</sup>. Whereas high neutrophil counts reflect inflammation, low lymphocyte counts reflect poor general health and physiologic stress<sup>[6]</sup>. NLR combines these two independent markers of inflammation<sup>[7]</sup>. In several studies, it has been shown that NLR is an indicator of systemic inflammation<sup>[8]</sup>.

The important role of leukocytes in the pathophysiology of fatal complications due to CO poisoning has been shown in previous studies<sup>[9,10]</sup>. Moreover, Thom *et al.* report that leukocyte sequestration increases significantly in brain microvasculature following exposure to CO<sup>[10]</sup>. We speculated that systemic inflammation might play a role in etiopathogenesis of acute CO poisoning. To the best of our knowledge, there is no study investigating the NLR in patients with acute CO poisoning. Therefore, we aimed to investigate NLR as an inflammation marker in patients with CO poisoning.

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## 2. Materials and methods

### 2.1. Patient and methods

There were 569 patients who presented with a diagnosis of CO poisoning to the Emergency Department of Cumhuriyet University School of Medicine, Adnan Menderes University School of Medicine and Isparta State Hospital between June 2009 and March 2014. However, 41 patients were excluded from the study because of exclusion criteria and laboratory mistakes. Finally, the remaining 528 patients (253 male, 275 female; mean age  $34 \pm 20$  years) were included in the study. An age, sex-matched control group was composed of 54 patients (24 women, 30 men with a mean age  $39 \pm 12$  years). The study was approved by the institutional ethics committee and all patients gave their informed consent.

Exclusion criteria were history of acute or chronic renal and liver disease, atherosclerotic heart diseases, heart failure, valvular heart disease, peripheral arterial disease, obesity, diabetes mellitus, history of malignancy, chronic hematological diseases, acute or chronic inflammatory disease, autoimmune disease, drug use affecting NLR. Additionally, patients who were referred to the emergency department because of the need of urgent hyperbaric oxygen treatment and diagnosed died in the emergency department excluded from the study.

Cases were selected from Cumhuriyet University, Adnan Menderes University and Isparta State Hospital between June 2009 and March 2014 database including all patients admitted with diagnosis of CO poisoning. Patients' demographics and medical history including age, gender were abstracted from medical records. Blood samples were withdrawn to determine routine biochemical markers and blood cell analyses. Generally, the blood of patients admitted to the emergency department with the diagnosis of CO poisoning are studied within 15 min. Mean platelet volume (MPV) and other blood samples for platelet indices measurement collected in dipotassium ethylenediaminetetraacetic acid (EDTA) tubes and analyzed with a same automatic blood counter (Beckman Coulter).

### 2.2. Statistical analysis

Data were analyzed with the SPSS software version 15.0 for Windows. Continuous variables from the study groups were reported as mean  $\pm$  SD. To compare continuous variables, the student's *t*-test or Mann-Whitney U test were used wherein appropriate. Categorical variables were compared with the  $\chi^2$  test. Pearson's correlation coefficients were calculated to evaluate relationships between variables. A *P* value less than 0.05 was considered as statistically significant.

## 3. Results

The study group consisted of 528 patients with CO poisoning from stove (275 women, 253 men, mean age  $34 \pm 20$  years). There were 54 patients (24 women, 30 men, mean age  $39 \pm 12$  years) in control group. Patients most commonly admitted between the hours of 8:00 a.m. and 9:00 a.m. (52 patients). The most common admission to the emergency room with the diagnosis of CO poisoning was at December (176 patients, 30.2%).

There was no statistically significant differences between two groups with respect to age (*P* = 0.14) and gender (*P* = 0.31)

Table 1

Demographic, biochemical characteristics of CO poisoning and control groups.

Characteristics	CO poisoning group (n = 528)	Control group (n = 54)	P
Mean age (year)	$34 \pm 20$	$39 \pm 12$	0.14
Male/Female	253/275	30/24	0.31
Creatinine (mg/dL)	$0.92 \pm 0.22$	$0.98 \pm 0.30$	0.07
Sodium (mg/L)	$137 \pm 3$	$138 \pm 3$	0.06
K (mg/L)	$4.0 \pm 0.5$	$4.1 \pm 0.4$	0.45
AST (U/L)	$27 \pm 25$	$27 \pm 15$	0.87
ALT (U/L)	$22 \pm 16$	$27 \pm 23$	0.04
Ca (mg/L)	$9.2 \pm 0.5$	$9.4 \pm 0.6$	0.17
ALP (IU/L)	$96 \pm 59$	$42 \pm 8$	< 0.01
LDH (IU/L)	$159 \pm 76$	$76 \pm 14$	< 0.01

Table 2

Hematologic characteristics of CO poisoning and control groups.

Characteristics	CO group (n = 528)	Control group (n = 54)	P
Hemoglobin (g/dL)	$13.70 \pm 1.70$	$12.90 \pm 1.10$	< 0.01
WBC $\times 10^3/\text{mL}$	$9.80 \pm 3.30$	$8.60 \pm 2.90$	0.01
Platelet $\times 10^3/\text{mm}^3$	$275.00 \pm 80.00$	$253.00 \pm 64.00$	0.04
MPV (fL)	$8.60 \pm 1.40$	$8.00 \pm 0.70$	< 0.01
Neutrophils $\times 10^3/\text{mL}$	$6.00 \pm 2.29$	$4.43 \pm 2.04$	< 0.01
Lymphocytes $\times 10^3/\text{mL}$	$2.76 \pm 1.60$	$2.43 \pm 1.21$	0.15
NLR	$3.01 \pm 2.34$	$2.23 \pm 1.27$	0.02

(Table 1). Aspartate transaminase, potassium, calcium and lymphocytes levels ( $2.76 \pm 1.60$  vs.  $2.43 \pm 1.21$ , respectively; *P* = 0.15) were comparable between CO poisoning group and control group (Table 1). Creatinine (*P* = 0.07) and sodium (*P* = 0.06) levels were slightly significant in both groups. Alanine transaminase level was higher in control group ( $22 \pm 16$  vs.  $27 \pm 23$ , respectively; *P* = 0.04). Alkaline phosphatase ( $96 \pm 59$  vs.  $42 \pm 8$  IU/L, respectively; *P* < 0.01) and lactate dehydrogenase ( $159 \pm 76$  vs.  $76 \pm 14$  IU/L, respectively; *P* < 0.01) were significantly higher in CO poisoning group compared with control group (Table 1). Similarly, hemoglobin level ( $13.7 \pm 1.7$  vs.  $12.9 \pm 1.1$  g/dL, respectively; *P* < 0.01) and platelet counts ( $275 \pm 80$  vs.  $253 \pm 64 \times 10^9$ , respectively; *P* = 0.04) were higher in CO poisoning group (Table 2). Moreover, MPV level was significantly higher in CO group ( $8.6 \pm 1.4$  vs.  $8.0 \pm 0.7$ , respectively; *P* < 0.01).

The markers associated with inflammations; white blood cell (WBC) level ( $9.8 \pm 3.3$  vs.  $8.6 \pm 2.9 \times 10^3/\text{mL}$ , respectively; *P* = 0.01) and neutrophil count ( $6.00 \pm 2.29$  vs.  $4.43 \pm 2.04 \times 10^3/\text{mL}$ , respectively; *P* < 0.01) were significantly higher in CO poisoning group than control group. Moreover, NLR was also significantly higher in CO poisoning group ( $3.01 \pm 2.34$  vs.  $2.23 \pm 1.27$ , respectively; *P* = 0.02) (Table 2).

In correlation analysis, the NLR was positively correlated with neutrophil count (*P* < 0.01, *r* = 0.69) and WBC level (*P* < 0.01, *r* = 0.35). Unlikely, it was negatively correlated with lymphocyte count (*P* < 0.01, *r* = 0.56).

## 4. Discussion

In the present study, we examined indices associated with inflammation in patients with acute CO poisoning. We found that WBC, MPV, neutrophil count and NLR were significantly

higher in patients with CO poisoning. More importantly, NLR was positively correlated with neutrophil count, WBC level.

The NLR is easy, cheap, noninvasive, and widely available laboratory marker of systemic inflammation. Recently, it gained increased interest due to its role as an independent prognostic factor for many conditions such as uncontrolled hypertension, diabetes mellitus, acute coronary syndromes, valvular heart disease, congenital heart disease, renal or hepatic dysfunction, malignancy, local or systemic infection, and some other inflammatory diseases<sup>[4,5]</sup>. The NLR is a combination of 2 independent markers of inflammation: neutrophils, as a marker of ongoing nonspecific inflammation, and lymphocytes, as a marker of the regulatory pathway<sup>[11]</sup>. The combination of these 2 markers, the NLR, has proved to a powerful simple marker of inflammation<sup>[12]</sup>.

Several mechanisms have been postulated in the pathophysiological mechanisms of CO poisoning. As regards the specific mechanisms, CO is capable to bind to the heme group of myoglobin with an affinity of 60-times greater than that of oxygen, thus reducing the oxygen supply to the mitochondria, impairing the oxidative phosphorylation and deteriorating the energy source of myocardium<sup>[13]</sup>. CO is also directly toxic for mitochondria, through impairment of mitochondrial respiratory chain at the cytochrome *c* oxidase level<sup>[14]</sup>. This binding of CO to the hemoglobin molecule causes alterations in the hemoglobin molecule, preventing oxygen from being released easily, which causes a reduction in oxygen delivery to the tissues, resulting in tissue hypoxia<sup>[15]</sup>. Thus, neurological and cardiovascular manifestations are observed<sup>[16]</sup>. To the best of our knowledge, there is no study directly investigating the inflammation marker on acute complications due to CO poisoning. The pathophysiologic mechanisms underlying these complications are still not fully understood. One of these mechanisms is that CO poisoning activates nitric oxide and other oxygen free radicals<sup>[17]</sup>. Oxygen free radicals can affect blood flow, contributing to endothelial damage<sup>[18]</sup>. It is postulated that this oxidative injury is mediated largely by leukocytes. Moreover, in rats made leukopenic, lipid peroxidation is inhibited following CO poisoning. Leukocyte sequestration increases significantly in brain microvasculature following exposure to CO<sup>[10]</sup>. The generation of oxygen radicals during reperfusion has been implicated as the major component of post-ischemic brain injury<sup>[9]</sup>. In previous studies, it has shown that neutrophils play a role in CO-mediated brain injuries in CO poisoning<sup>[10,19]</sup>. In present study, the number of circulating neutrophil was significantly higher in CO poisoning group. However, lymphocyte count was comparable in both groups.

A second mechanism, increased thrombotic tendency has been reported in patients with CO poisoning<sup>[20,21]</sup>. Thom *et al.* shown that acute CO poisoning causes intravascular neutrophil activation due to interactions with platelets<sup>[22]</sup>. Similarly, we found that platelet and MPV level were significantly higher in CO poisoning patients. We anticipate that the results of our study will indirectly support that study. Nevertheless, we did not know the exact cause of increased NLR in patients with CO poisoning. Further prospective studies are needed to establish the pathophysiological and clinical significance of increased NLR in patients with CO poisoning.

There are several limitations in this study. Firstly, this study was conducted on a retrospective basis and represented only three-center experience. Secondly, our analysis was based on a

simple baseline determination at a single time point that may not reflect patient status over long periods. Thirdly, evaluation of MPV within 30 min is recommended when blood sample is collected in EDTA tube. In our study, although it is retrospective, blood samples of patients admitted with the diagnosis of CO poisoning to the emergency department are usually studied within 15 min. Finally, our study population may be small. Accordingly, it may limit the statistical power of the study.

In conclusion, we found that the NLR significantly elevated in patients with CO poisoning. We suggested that systemic inflammation may be effective in the development of complications due to CO poisoning. Moreover, the increase of NLR may indicate the progression of complications due to CO poisoning. Therefore, anti-inflammatory drug usage in acute CO poisoning might be reasonable.

## Conflict of interest statement

The authors report no conflict of interest.

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# Exhibit 6

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MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA



## The National Institute for Occupational Safety and Health (NIOSH)

Promoting productive workplaces  
through safety and health research



# Controlling Carbon Monoxide Hazard in Aircraft Refueling Operations

DHHS (NIOSH) Publication Number 84-106

February 1984

Investigators from the National Institute for Occupational Safety and Health (NIOSH) conducted an evaluation of the occupational health hazards to workers who fuel jet aircraft. During the investigation, we learned that two workers had died in or near their refueling vehicles. Although carbon monoxide (CO) poisoning was not suspected at the time of the deaths, a combination of the unusual location of the engine exhaust (under the front bumper), the deterioration of rubber seals (boots) around the gear shift lever and the pedals, and the fact that the workers spend a considerable amount of time sitting in idling vehicles (especially during poor weather), led us to measure CO levels in the truck cabs. Dangerous concentrations of CO were found. The company involved instituted maintenance procedures and work practice rules requiring that the windows be kept open whenever the truck is occupied. However, recent spot checks suggest that many operators of airport refueling services are unaware of the risk, and therefore have not taken precautions to prevent dangerous concentrations of CO.

Carbon monoxide is a colorless, odorless gas which limits the ability of the blood to carry oxygen to the tissues. Symptoms of acute CO poisoning include headaches, rapid breathing, nausea, weakness, dizziness, confusion, hallucinations, and discoloration of the lips or nail beds. If the exposure level is high, loss of consciousness may occur without other symptoms. Death may result from depression of the functions of the brain, or if there is underlying coronary artery disease, from heart attack. Because CO remains in the blood for several days, there may be a gradual increase in body levels of CO over the course of a work week. Effects of chronic exposure are not completely known.

The combination of methods used to control CO exposure may vary from one location to another, and care must be taken to assure that the principles and laws of fire safety are not violated; some recommendations by NIOSH for controlling dangers of CO are listed below.

1. To minimize generation of CO, trucks should be converted to electric or diesel power. While generating less CO, the stronger odor of diesel exhaust also provides better warning properties than does the odor of gasoline exhaust.
2. Refueling trucks should be maintained so that entry of CO from beneath the cab is prevented. Rubber boots around pedals and levers should be intact, with tight fittings; grommets in holes through the firewall should fit snugly; rust holes in the floor pans or elsewhere should be closed; heater and fresh air intakes should be remote from the exhaust discharge; and exhaust systems should be checked regularly and tightened or replaced whenever leaks are suspected.
3. Engines should be well-tuned since proper fuel-to-air ratios will reduce the amount of CO produced.
4. There should be installed in the cab a continuous CO monitor with alarm to warn the operator before the concentration of CO becomes dangerous.
5. Workers should be provided access to waiting areas, which are as comfortable as the truck cabs; they should be required to vacate the cabs when not engaged in operating the vehicle.
6. Workers engaged in fueling operations should be encouraged to refrain from smoking because smoking elevates blood levels of CO enough to reduce margins of safety.
7. Interim work rules requiring that windows be kept open whenever the cab is occupied, and that vehicles be parked with the exhaust downwind from the air intake, while prudent, cannot be relied upon as long-term solutions. Under some circumstances, for example, CO concentrations could be higher with windows open, and positioning of the truck may be restricted by aircraft parking arrangements. Wiring the ventilation fan to operate whenever the engine is running, will usually build a positive pressure in a closed cab and minimize seepage-in of CO; however, in some circumstances such an arrangement might actually draw CO into the vehicle.

We are requesting the assistance of airport managers and editors of appropriate trade journals in bringing this information to the attention of fueling service operators. Oil companies may, through their routine inspection services provided to operators, be especially effective in controlling the risk.

Suggestions, requests for information on control practices, or questions related to this announcement, should be directed to the Division of Standards Development and Technology Transfer, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, Ohio 45226, telephone (513) 684-8302.

We greatly appreciate your assistance.

[signature]

J. Donald Millar, M.D., D.T.P.H. (Lond.)

Assistant Surgeon General

Director, National Institute for Occupational Safety and Health

Centers for Disease Control

Page last reviewed: June 6, 2014

# Exhibit 7

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QANON // DRAIN THE SWAMP  
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MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

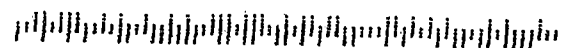
UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

NASHVILLE TN 370

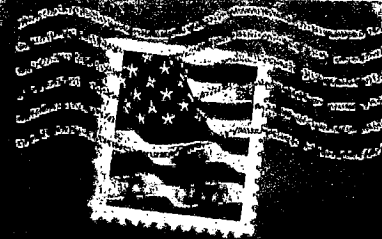
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Roberta Hill  
310 Forest St.  
Martinsville, VA  
24112



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Robert E. Felt  
Box 1250  
Blacksburg, Virginia  
Feb 19

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12-421 117



Roberta R. Hill  
310 Forest Street  
Martinsville, Virginia 24112



Robert A. Hill  
310 Forest St.  
Martinsville, VA 24112

100-421030





To wish you  
a blessed Christmas  
and a happy new year.

Hebrews 13:2

"Be not forgetful to entertain strangers;  
for thereby some have entertained angels  
unaware."

18681832

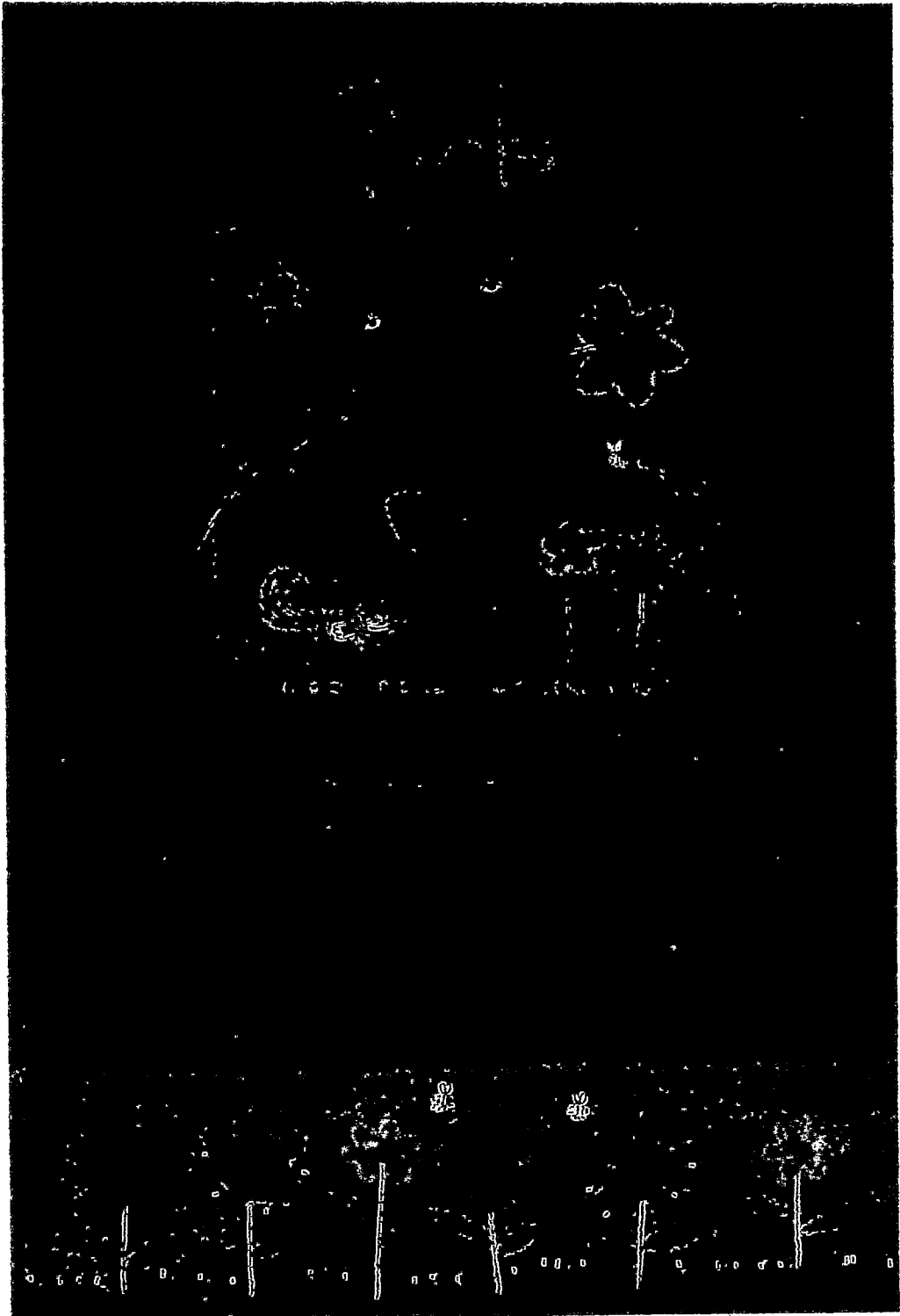


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2, LLC MADE IN U.S.A.







*Now that  
your operation is over,  
I hope you're  
taking it easy  
and concentrating  
on getting well...*

I'll be thinking of you  
warmly and often...  
and always with a wish  
that you're doing better  
every day.

It's time to stop all  
the nonsense and to  
WAKE UP! Sickness  
is horrible. Jay



*Adopt the pace of nature:  
her secret is patience.*

*Emerson*

Sheet 2

Esoteric Collection

Coming about  
how you're doing  
and thinking  
of you often

US at the  
Esoteric  
Collection 2018

**WE visit through a collective meeting in geographic Nashville's Parthenon Esoteric circle to grant information.**

**WE've been requested to address YOU, and all others off track. You have an energy blockage in your physical being which allows to enter dark entities with a mission of doing Earth's humanity harm. They are intently power thirsty.**

**Our directive is to grant crystal clear information; to correct the fallacies those entities have encouraged you to broadcast to public. In public manner per your cloud of dispersements, you're doing humanity a giant dis-service. This is intolerable, and unacceptable behavior for one seeking elevation. Those with a concourse toward promoting humanity's elevation are being offended and assaulted by the mode of deliberate arrogance you project. This bombards you seemingly in unrealizable format and disrupts associations of social encounters with those whom are rising in their consciousness. You exhibit combative behavior. Corrective measure is for a Shaman to heal and correct your internal prana flow. It has blockages deliberately caused by dark entities trying to overtake and control your actions. Not to be explained now, but the dark energies intend you harm. A true Shaman can teach how to drive away dark energy.**

**Those whom are intervening to teach humanity of raising human consciousness and whom access the astral knowledge wish aid in the process. Guessing, or mere fantasy is offensive. Your fictional imaginings disturb the Earth work. The astral knowledge resides in what you perceive as spiritual plane, the ethers, or a heaven. Clairvoyant seers solicit the Akasha records to acquire truth behind the veil of humanity's eyes. They share truth to elevate mankind to their plane of energy existence. You think you do, but wrongfully you do not accurately grasp the true energy of sound vibration or light.**

**Something needs immediate clarification. The notion of "royalty" on Earth is a ridiculous mankind created concept. No human physical incarnation is of any higher station than another soul being. All are equal when born into a physical body vehicle, and equal in physical death when that soul returns to spirit plane. So the utter nonsense of any superiority of any special blood line does grand insult to the Universe.**

**Questions you hold.**

**You exist in DNA chain from one hybrid experiment in Atlantis. Created in a lab petrie dish. Nothing more, no specialness to your heritage. But still with physical markers toward difference when in contrast to other human hybrid mixes. Each mix has its own characteristics or different propensities. For hundreds of centuries humanity has been seeded by other Universal life forms. Each hybrid mix of Universal DNA in their own right is special. To repeat again: any notion of a special royal bloodline is ludicrous. Your mind fights this ideal due to cementing into mankind's religious fallacies induced in this lifetime by parental coaxings. Religions are mankind's invention. Writing and dogma related to religion stories are created in fiction formidably by the hand of mankind. There were several men named Issa, who you'd recognize as the soul incarnation of life form Jesus. He walked the Earth as a physical man, but his incarnations had no miraculous ability, none were any sort of deity or savior, and aspects recorded were distorted from Issa's original teaching intended. Mankind has deliberately polluted Issa's wisdom. Issa's blood type is not presently revealed to mankind, but it as a fact is unimportant to the rise of humankind's consciousness.**

**The Jewish people as anything superior. Sheerly more false arrogance. Jews are of no higher station than any other collections of peoples living on the Earth.**

*The information dark energies are planting in your thoughts needs immediate revision. They contour portions of true energy principles then distort them to you toward practices which are pointless. At this register, we will address guidance.*

*Indeed there is a torus field, but you are not bridging it correctly to a human kind's intended practical usage of energy intake and exhale.*

*The Jewish star was an emblem stolen from a tiny percentage of ancient Egyptians who had escaped the sinking of Atlantis. The symbol represents transmutation in alchemical practices. A "Davit" was a person clutching for power. A Davit is a magician who used what is termed dark magic ritual to maintain that authority. What was born of Davit was in fact the PLACE --Solomon. Not any human entity. Solomon is the name of an alchemical temple labeled over the doorway as "Solomon Temple", --- rather than possessive as Solomon's Temple. Sigil of the Solomon Cult, also known as the Saturn Cult in modern day, was an instrument of ritual used by what might be termed as wizards who had secret knowledge to divert and pull chaos control energy from the Universe.*

*The placement of the constellations and planets has a mathematical algorithm to this Universe which represent a state of intended harmony toward the full spectrum of this Universe.*

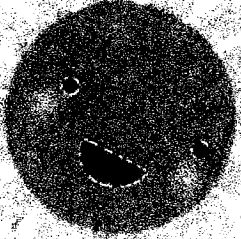
*Plichta's work you extract of prime mathematics is NOT essential to any elevation of human consciousness. Instead his work is cognizant to represent the grid of energy flow within Gaia. Understand Mother Earth's independant female energy and her core energy spirit being referred by the title Gaia. Math is merely a symbolic tool to give written expression to the workings of energy vibration of regard to the twins - sound and light. It can be used positively or negatively.*

*We are highly aware you borrow the research details of Paul Bevan (beginning in 2005 / published 2013) to claim as your own work. Don't gobble down the garbage of the Internet which might surprise you is the actual 666 beast Christians are so frightened. 98% of it is untruth. What is "seeded" there by darkness is meant to confuse. Just as Paul, you are delving into dark energy work with Qabala, and Ed Leedskalnin. You are not aware, a following of these topics are inviting and extending an invitation to bring negative, dark energies to your doorstep, to your energy, to your family, to your occupation, to your whole world.*

*Tesla wanted nothing to do with dark energies, thus had nothing to do with Ed Leedskalnin's secret black rituals. Tesla was in distinct opposition to any darkness, so they sought to destroy him and his vital work. His genius came from contact with higher intelligences guiding his mind. YOU still do not comprehend the 3, 6, 9 meaning that all initiates and masters of Light comprehend. The matrix effect of numbers, a human device, can melt down your mind.*

*Human consciousness abilities follow three true esoteric geometries, none of which hold any cross shape. A cross form (and others) were what you might refer were the herald symbols of the power hungry inhabitants of Atlantis. They blew up their own continent amid their quest to manipulate the entire population of Earth. The inhabitants of Lemuria (known as Mu) were a different set of life form entities from a separate residential spot in the Universe. Humans today hold arrays of DNA comprised of a plethora of lifeforms from many Universes. By seeding humanity, they raise the physical body's potential.*

*A Shaman can teach you to fill your head with LIGHT energy. You have been given accurate corrections... Now WE pause to see what you do with those corrections.*




## The Healing Power of the Smiley Face

Smileys are recommended  
for ages 1 to 101.

Smileys have been known  
to induce silliness.

Side effects may include laughing,  
doing cartwheels, and an urge  
to draw more smileys.



Smileys chase away the blues.

Last but not least —  
smileys may become habit-forming.

Sending Lots  
of smileys your way!

It's for your  
own benefit  
to Wake Up  
from the ridiculous

Par. ESO, Grp.

ROBOT has stubborn intention not to accept your true mirrored ego.

ROBOT's mind is held captive in a divided war.

Aptly labeled Robot A --- for one pegged for a mission, not being unable to control themselves, nor to control their mind wander.

It can be explained as a dualistic embodiment fed by artificial intelligence using high technology. This you do not comprehend.

It is not comprehended until one declares they assume control of their own body vehicle and purge away all infective negative energies.

A war evolving in your thoughts between two opposite energies, WE can see it. A puppet mouthing speech, wishing to be seen as a benevolent force in your present incarnation. Seen only as a false mask to those whom are able to read energy and see truth. On the contrary, the quest of data you copy, or border to plagiarize from sources, then to disperse as "your own work", is a derogatory measure and is perceived by our alliance as an intended harm to beings of Earth whom are trying to awaken to truth. Despite opportunity to take corrective action, to turn away from that twisted fiction, you persist in trying to convince others of absolute nonsense.

For accurate truth, allow an explanation of the Rh factor.

It was created in laboratory in Atlantis by genetic insemination over 30,000 years ago. Those creators were power hungry overlords wishing to establish what might be credited as supervisors to govern a slave race they'd also manufactured. If you must have a term for them, the Earth definition is applied to them as being fallen angels. Angel is a mankind analogy which simply means a more complex terrestrial visitor to the planet Earth. Despite what your ego wants to believe, Rh negative is nothing special. Just different. You are a hybrid mix of terrestrial and human form. As in all the differences among the variant life forms spread amid the 1,682 Universes. Earth is amid the 2nd Universe ever created. That power being accessed in Atlantis, or tapped as you might refer by those overlords, resulted in them blowing their own continent apart. It sunk below water and is now, as has been accurately reported, beneath the Atlantic Ocean. If your brain was sharp and released from fundamentalist rubbish, then you'd have realized prior to us imparting this information, Atlantis was concentric circles of 360 degrees each nested into each other with 4 water inlets toward the central isle of their communal temple. Might you see it would be definition of same cross shape you idiotically continue to harp in continuation to some fantasy new song. This cross shape formed by inlets to enter these concentric circles is merely a terrestrial emblem representing arrival from a constantly moving and changing Universe. The



archaeology accounts on record distribute this as the research continues to unearth new discoveries.

Of Atlantis, it was spoken of by it's eye witness survivors and their descendants for many centuries long after it submerged. Those who had inhabited the continent re-created it's layout as an image graphic and left as topographic markers plus relief carvings in rock. These markers and images were used across the centuries to speak of Atlantis' memory. Stonehenge is a limited topographic of Atlantis, so was never built by any biblical Judah character as your mind has imagined incorrectly in fantasy. Superhenge is another component of this picture of circular instillations to represent the larger Universe. The Alantean image of concentric circles holding what appeared to be what you suggest as a cross was actually four sections of transport water canals as previously stated. Inhabitants moved across them in barges you might perceive as water taxi.

In similar fashion of coils, another circular iconic image anciently created to represent Atlantis was an emblem worn by it's ancient terrestrial overlords. That is a coiled serpent/dragon. The serpent was intended by them to represent their wisdom amid this Universe (labeled the Milky Way with form that twists like a serpent). The image with that ideology of serpent carried forth to Atlantis' birthed child country Egypt. All Pharaohs wore the perched serpent over their third eye on their rulership crown to connote spiritual insight and wisdom. This serpent was also represented as one concentric circle labeled as the ouroboros. The phoenix sunbird is another emblem of Atlantis. Your other memory of Atlantis is a sunbird--- the vehicle you chose to drive. Present facts can't be disputed, ---- you were in Atlantis working under these nasty overlords. The only thing you seem to have correctly digested was the torus effect you borrowed from Mark Rodin's vortex based math. You are totally wrong about Tesla numbers 3, 6, 9. What you don't comprehend is after Tesla's immigration to America and his direct contact with terrestrial beings, he admitted the notion of religion was nothing but a sham. If he were to speak to you in person, he'd proclaim the energy of electricity and his numeric comprehension had absolutely nothing to do with mankind's fabricated religions. The 3, 6, 9 are scientifically explainable but we shall not take the time nor energy to present the high technology which you would not comprehend. It is better left for field experts to contend.

The biblical material so many of your Earth fundamentalists swear is authentic is to be treated as a novel, not facts. The bible and other ancient gospel form texts are merely a collection of decorated comic stories modeled vaguely on other terrestrial visitors who have come and gone from this Universe. The material is used as an abusive tool, and as a whole to frighten, to enslave, to instill guilt of some imagined sin so to encourage subservience to wicked overlords violating Universal laws. There have been good and evil terrestrial visitations to Earth over the last 500,000 years. One you seem to focus so we will reference is Issa, whom you connect as the Greek name Jesus. A being whose message has been distorted by man. He had a father who was a terrestrial being but was no omnipotent diety as those of Christian insurgence falsely swear. Issa's true teaching agreed more closely with the path of the Buddhist, thus trying to teach mankind there is no separation toward love. The manner Christianity has distorted so much truth into sheer rubbish should be disgraceful to their souls. We shall supply a for instance moment: the terminology "amen" which Issa used at the end of the anthem you term as the lord's prayer. Does any single Christian comprehend "amen"? No, they emphatically do not. Issa extracted the term directly from Egypt where it evolved 3,000 years prior to his earthly incarnation. The entire prayer quoted by Issa is acknowledged by archaeological scholars as a poem amid the Egyptian Book of the Dead. To Egyptians, this book they've titled the "Papyrus of Anu". We will let you discover whom is Anu. Also to rack your thinking about the term "Amen" as being a character, and in turn with praise being given to same when closing a spoken verse to that Egyptian name's honor.

Allow us to also refute another blatant fallacy you continue to promote with zeal. This idea of holy grail, royalty, or royal blood, or a concept of a sitting monarchy. You claim them holding the Rh factor as being some sort of supreme, or superior beings. Hear this CLEARLY. Them and YOU ARE NO BETTER, or NON-SUPERIOR than any other being in this Universe, or other Universes. All Spirit is equal, but while in physical incarnations each have distinct differences. To boast of such superiority or to hold a blown up ego goes affirmedly against all Universal Law. This violation originally began and was promoted by the nefarious Alantean overlords. You spew this collection of rubbish because you have true incarnation memories of being present in Atlantis amid your carried spiritual DNA. Hence the insatious appetite you hold to gorge it in united coordination with the mathematical reference of nested circles.

Disassembling other of your main fallacies is necessary for your comprehension toward a changing future:

The biblical acacia box made in Tyre, Phoenicia which embraced a nuclear weapon was real. Phoenicia was inhabited by former Atlanteans. Phoenician language is the first written on this planet above all other attempts at written language. The box was named for Aaron/Aron/Eron, a terrestrial Atlantean wizard. At first it was a device of off-planet war but the technology itself was brought by design plans to both Atlantis and to what is now India. One of several such devices was built in Egypt after Atlantis sunk. The Prince Thutmose, (same as Djhutmose, son of Amenhotep III, and sibling of Akenaten) whom you term the character Moses, stole the original technology from his father. Moses carried it to Egypt's territorial isolated fortress in the Desert of Sin atop Mt Sinai. Thus he became a "Sinner". (One who dwells in the Wilderness of Sin). It took no special blood to carry the technology cavity box, but rather required specially constructed UNIFORM attire to approach the radiation being emitted. That is the fact which kept the Levite carriers from being poisoned by radiation. It is even plainly given in the biblical wording "urim and thummim", of the "protective breastplate" which Earthlings have no equative conception to the accurate translational idea.

You term as the Solfeggio --of bringing some sort of miraculous new world into existence .....totally false. You do not comprehend sound energy. The collective Solfeggio tones established in unity with the 440 hz. were adaptive in utilization by Adolph Hitler and his Nazi collective by the directive of nefarious terrestrials. Their desire was to alter world tuning to establish such as a controlling device for Earthlings. This tuning adapted for Earthling ear canals is like drug sedatives to place them in to what you would term "a zombie state" and open their brains to manipulation. Isn't this what has happened to you as a result of your tampering with it?

You've been granted explanation of some of your questions. The time is nearing. If you do not cease the fiction, a controlled action is to be taken to end the burgeoning of deluded unfactual discourse you continue to disperse in speech, in movie, and in writings as attempt to confuse other people. It is considered your past actions were all a hatched convoluted plot by the nefarious energies to control your soul container vehicle. But now you have a decision to make regarding your path.

The "Janitor" has mop in hand, has ability to see all, and to know all, then will begin to clean this Earth before the year is out.

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The "Janitor" has mop in hand, has ability to see all, and to know all, then will begin to clean this Earth before the year is out.

# Exhibit 8

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN



MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24112

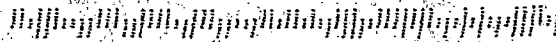
GREENSBORO NC 274  
PIEDMONT TRIAD AREA  
01 OCT 2018 PM 5 L



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Brian David Hill  
Martinsville City Jail  
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ATTN: Mayor  
City of Martinsville  
300 Clearview Drive  
Martinsville, VA 24112

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24112-170400

LEGAL MAIL

Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24114

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ATTN: U.S. Marshals Service  
L. Richardson Preyer Federal Building  
324 W. Market Street

Correct  
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Resent

Oct 27 2018

Brian D. Hill  
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24112 274 4C 1 0216/22/18

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Brian David Hill  
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ATTN: Mayor  
City of Martinsville  
300 Clearview Drive  
Martinsville, VA 24112

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Brian David Hill  
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09 OCT 2018 PM 5:1



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L. Richardson Preyer Federal Building  
324 W. Market Street

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Oct. 27, 2018

Brian D. Hill

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Brian David Hill  
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ATTN: U.S. Marshals Service  
L. Richardson Preyer Federal Building  
324 W. Market Street  
Martinsville, VA 24112

Correct  
Address  
Present

Oct. 27, 2018

Brian D. Hill

Received

Oct 26, 2018

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Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville, VA 24112

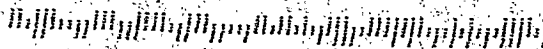
GREENSBORO NORTH  
FEDERAL TRIAD AREA  
01 OCT 2018 PM 5 L



EVIDENCE

65 Church  
Clerk of the Court  
U.S. District Court  
324 W. Market St. Ste. 1  
Martinsville, VA 24112

REDIRECT TO FEDERAL DISTRICT  
LEGAL MAIL CT



# Exhibit 9

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN



MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

BRIAN HILL (174826) [DOB: 5/26/1990]

X Close Print

DIAGNOSIS			
Axis/Order	Axis 3/1	Diagnosis	(F42.9) Obsessive-compulsive disorder, unspecified
Axis/Order	Axis 3/2	Diagnosis	(F84.0) Autistic disorder
Axis/Order	Axis 3/3	Diagnosis	(F29) Unspecified psychosis not due to a substance or known physiological condition
Axis/Order	Axis 3/4	Diagnosis	(F41.1) Generalized anxiety disorder
WHODAS 2.0 General Disability			
	Assessment Date	General Raw Score	General Average Score
	Score description	Raw Score	Average Score
	Cognition		
	Mobility		
	Self-care		
	Getting along		
	Life activities		
	Participation		



## HISTORY

no chest pain

**Respiratory: Notes:**  
breathing ok

**Musculoskeletal: Notes:**  
no LBP

**Integumentary (skin and/or breast): Notes:**  
no tattoos

**Neurological: Notes:**  
seizure hx and diabetic foot neuropathy

**Endocrine: Notes:**  
diabetes

**Hematologic/Lymphatic: Notes:**  
no nodes

**Allergic/Immunologic: Notes:**  
allergy see list

**Genitourinary: Notes:**  
bladder frequency

**Gastrointestinal: Notes:**  
GERD SX, episodic diarrhea

**EXAM**

**Constitutional Vital Signs:**

**Musculoskeletal**

**Muscle strength and tone: Notes**  
ok

**Gait and station: Notes**  
ok

**Behavior**

**Appearance:** Well-groomed

**Activity:** Normal

**Attitude:** Cooperative

**Articulation (Speech):** Normal Rate, Rhythm, Volume

**Sensorium**

**Consciousness:** Alert

**Orientation:** Full

**Memory:** Intact

**Attention/Concentration:** Adequate

**Emotion**

**Affect:** Comfortable and Reactive

**Mood:** Euthymic

**Congruency:** Congruent

**Suicidal Ideation:** None

**Homicidal Ideation:** None

**Thought**

**Thought Process:** Goal-directed

**Thought Content:** Delusional

**Intelligence:** Average

(based upon fund of knowledge, comprehension, and vocabulary)

**Insight:** Full

**Judgement:** Intact

**Perception:** Normal

**Impression**

**Brief summary of present status of case:** Notes  
aims=0

**DIAGNOSES**

**Current Diagnoses:**

**Effective Date :** 10/24/2018

1 (F42.9) Obsessive-compulsive disorder, unspecified

**Diagnosed By :** **Diagnosed Date :**

**Onset Date :** **Previous Onset Date :**

**Onset Prior to Admission:**

**R/O:** No

**Notes:**

**Date Updated:** 03/21/2017

**SNOMED:** -

2 (F84.0) Autistic disorder

**Diagnosed By :** **Diagnosed Date :**

**Onset Date :** **Previous Onset Date :**

**Onset Prior to Admission:**

**R/O:** No

**Notes:**

**Date Updated:** 03/02/2016

**SNOMED:** -

3 (F29) Unspecified psychosis not due to a substance or known physiological condition

**Diagnosed By :** **Diagnosed Date :**

**Onset Date :** **Previous Onset Date :**

**Onset Prior to Admission:**

**R/O:** No

**Notes:**

Date Updated: 10/24/2018  
SNOMED: -

4 (F41.1) Generalized anxiety disorder  
Diagnosed By :      Diagnosed Date :  
Onset Date :      Previous Onset Date :  
Onset Prior to Admission:  
R/O: No  
Notes: BRITTLE DIABETES  
Date Updated: 10/24/2018  
SNOMED: -

WHODAS 2.0 General Disability      Assessment Date:  
Raw Score:      Avg Score:  
Cognition:  
Mobility:  
Self-care:  
Getting along:  
Life activities:  
Participation:

**Psych Diagnoses & Status**

Diagnosis: all

Status: Stable

**Medical Diagnoses & Status**

**COLUMBIA ASSESSMENT**

**1) Wished to be Dead:**

Have you wished you were dead or wished you could go to sleep and not wake up?: No

**2) Suicidal Thoughts:**

Have you actually had any thoughts of killing yourself?: No

**6) Suicidal Behavior Question:**

Have you ever done anything, started to do anything, or prepared to do anything to end your life?: Yes

**Was this within the past three months? (please explain):** No

**SUMMARY**

Service Modality: Non-Face-to-Face Service

**Current Medications:**

Medication:insulin aspart U-100 100 unit/mL subcutaneous solution

Start Date:10/24/2018

Dosage:

Frequency:

Medication:olanzapine 2.5 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time at bedtime for mood swings

Medication:sertraline 50 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time after breakfast for anxiety

**Plan**

Medication Changes: .

Next Appointment: Date

pm

E/M Level: 5

E/M Score: 5

Employee Signature

*C Daum MD*

10/24/18 2:51 PM  
CONRAD DAUM - MD  
MD

*C Daum MD*

Supervisor's Signature

Approved by CDAUM on 10/24/18  
CONRAD DAUM, MD, MD

# Exhibit 10

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN



MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

Brian Hill  
MRN: MM00370912  
ACCT: MM7806761243

2

## Sovah Health Martinsville

320 Hospital Drive  
Martinsville, VA 24112  
276-666-7237

7806761243

Emergency Department  
Instructions for:

Hill, Brian D

Arrival Date:

Friday, September 21, 2018

Thank you for choosing Sovah Health Martinsville for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

Care provided by: Hinchman, Brant, DO

Diagnosis: Abrasion, right knee; Abrasion of unspecified front wall of thorax

DISCHARGE INSTRUCTIONS	FORMS
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
Private Physician When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care Emergency Department When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition	None
SPECIAL NOTES	
None	

National Hopeline Network: 1-800-784-2433

If you received a narcotic or sedative medication during your Emergency Department stay you should not drive, drink alcohol or operate heavy machinery for the next 8 hours as this medication can cause drowsiness, dizziness, and decrease your response time to events.

I hereby acknowledge that I have received a copy of my transition care record and understand the above instructions and prescriptions.

Brian D. Hill  
Brian Hill

Jenica Tate, RN, BSN  
ED Physician or Nurse  
09/21/2018 04:52

EMERGENCY DEPARTMENT RECORD

Physician Documentation

Sovah Health Martinsville

Name: Brian Hill

Age: 28 yrs

Sex: Male

DOB: 05/26/1990

MRN: MM00370912

Arrival Date: 09/21/2018

Time: 04:04

Account#: MM7806761243

Bed ER 9

Private MD:

ED Physician Hinchman, Brant

HPI:

09/21

04:40 This 28 yrs old White Male presents to ER via Law Enforcement with complaints of Knee Pain. bdh

09/21

04:48 28-year-old male with diabetes and autism presents for evaluation after complaining of right knee pain and scrapes and abrasions. bdh  
Patient was apparently taking pictures of himself in the nude across town this evening and when police attempted apprehend him brain through Briar patch. Patient does report scratches and abrasions to the right knee but no pain on range of motion. Unknown last tetanus..

Historical:

- Allergies: Ranitidine;
- PMHx: autism; Diabetes - IDDM; OCD;
- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.
- Social history:: Tobacco Status: The patient states he/she has never used tobacco. The patient/guardian denies using alcohol, street drugs, The patient's primary language is English. The patient's preferred language is English.
- Family history:: No immediate family members are acutely ill.
- Sepsis Screening:: Sepsis screening negative at this time.
- Suicide Risk Screen:: Have you been feeling depressed in the last couple of weeks? No Have you been feeling hopeless to the extent that you would want to end your life? No Have you attempted suicide or had a plan to attempt within the last 12 months? No.
- Abuse Screen:: Patient verbally denies physical, verbal and emotional abuse/neglect.
- Tuberculosis screening:: No symptoms or risk factors identified.
- The history from nurses notes was reviewed: and my personal history differs from that reported to nursing.

ROS:

09/21

04:49 All other systems are negative, except as documented below. bdh

Constitutional: Negative for chills, fever. Respiratory: Negative for

Brian Hill  
MRN: MM00370912  
ACCT: MM7806761243

②

### **FOLLOW UP INSTRUCTIONS**

#### **Private Physician**

When: Tomorrow

Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care

#### **Emergency Department**

When: As needed

Reason: Fever > 102 F, Trouble breathing, Worsening of condition

7806761243

Brian Hill  
MRN: MM00370912  
ACCT: MM7806761243

2

MRN # MM00370912

**X-RAYS and LAB TESTS:**

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you had a culture done it will take 24 to 72 hours to get the results. If there is a change in the x-ray diagnosis or a positive culture, we will contact you. Please verify your current phone number prior to discharge at the check out desk.

**MEDICATIONS:**

If you received a prescription for medication(s) today, it is important that when you fill this you let the pharmacist know all the other medications that you are on and any allergies you might have. It is also important that you notify your follow-up physician of all your medications including the prescriptions you may receive today.

**TESTS AND PROCEDURES**

Labs  
None

Rad  
None

Procedures  
None

Other  
Call ERT, IV saline lock

Chart Copy

7806761234

2

cough, dyspnea on exertion, shortness of breath. MS/extremity: Positive for pain, Negative for decreased range of motion, paresthesias, swelling, tenderness, tingling. Skin: Positive for abrasion(s), Negative for rash, swelling.

Exam:

09/21

04:49 Constitutional: This is a well developed, well nourished patient who bdh is awake, alert, and in no acute distress. Head/Face: Normocephalic, atraumatic. Eyes: Pupils equal round and reactive to light, extra-ocular motions intact. Lids and lashes normal. Conjunctiva and sclera are non-icteric and not injected. Cornea within normal limits. Periorbital areas with no swelling, redness, or edema. ENT: Oropharynx with no redness, swelling, or masses, exudates, or evidence of obstruction, uvula midline. Mucous membranes moist. No meningismus. Neck: Supple, full range of motion without nuchal rigidity, or vertebral point tenderness. No Meningismus. No JVD. Cardiovascular: Regular rate and rhythm with a normal S1 and S2. No gallops, murmurs, or rubs. No JVD. No pulse deficits. Respiratory: Lungs have equal breath sounds bilaterally, clear to auscultation and percussion. No rales, rhonchi or wheezes noted. No increased work of breathing, no retractions or nasal flaring. Abdomen/GI: Soft, non-tender, with normal bowel sounds. No distension or tympany. No guarding or rebound. No pulsatile mass. Back: No spinal tenderness. No costovertebral tenderness. Full range of motion. Skin: Multiple superficial abrasions to the groin and abdomen without fluctuance or tenderness. MS/ Extremity: Pulses equal, no cyanosis. Neurovascular intact. Full, normal range of motion. No peripheral edema, tenderness. Abrasion to right knee but nontender, no deformity or swelling. Ambulating without difficulty. Neuro: Awake and alert, GCS 15, oriented to person, place, time, and situation. Cranial nerves II-XII grossly intact. Psych: Awake, alert, with orientation to person, place and time. Behavior, mood, and affect are within normal limits.

Vital Signs:

09/21

04:09 BP 124 / 86; Pulse 119; Resp 19; Temp 98; Pulse Ox 98% ; Weight 99.79 jt kg; Height 6 ft. 0 in. (182.88 cm); Pain 0/10;

09/21

05:01 BP 119 / 80; Pulse 106; Resp 16; Temp 98.2; Pulse Ox 99% ; Pain 0/10; jt

09/21

04:09 Body Mass Index 29.84 (99.79 kg, 182.88 cm) jt

MDM:

09/21

04:04 MSE Initiated by Provider.

bdh

09/21

04:50 Differential diagnosis: fracture, sprain, penetrating trauma, et al. bdh  
ED course: Cleared from a psychiatric standpoint by Behavioral  
Health. Patient will be discharged to jail. No new complaints.. Data  
reviewed: vital signs, nurses notes. Counseling: I had a detailed

discussion with the patient and/or guardian regarding: the historical  
points, exam findings, and any diagnostic results supporting the

2

discharge/admit diagnosis, the need for outpatient follow up, to return to the emergency department if symptoms worsen or persist or if there are any questions or concerns that arise at home.

09/21  
04:16 Order name: Call ERT; Complete Time: 04:25 bdh  
09/21  
04:16 Order name: IV saline lock; Complete Time: 04:36 bdh  
09/21  
04:29 Order name: Other: NO suicidal homicidal risk; Complete Time: 05:03 bdh

Dispensed Medications:

Discontinued: NS 0.9% 1000 ml IV at 999 mL/hr once  
09/21  
04:36 Drug: Tetanus-Diphtheria Toxoid Adult 0.5 ml (Manufacturer: Grifols Therapeutics. Exp: 09/27/2020. Lot #: A112A. ) Route: IM; Site: right deltoid; lb1  
09/21  
05:04 Follow up: Response: No adverse reaction lb1  
09/21  
04:36 Drug: NS 0.9% 1000 ml Route: IV; Rate: 999 mL/hr; Site: right arm; Delivery: Primary tubing; lb1  
09/21  
05:11 Follow up: IV Status: Completed infusion dr

Disposition:

09/21  
04:52 Electronically signed by Hinchman, Brant, DO at 04:52 on 09/21/2018. bdh  
Chart complete.

Disposition:

09/21/18 04:52 Discharged to Jail/Police. Impression: Abrasion, right knee, Abrasion of unspecified front wall of thorax.  
- Condition is Stable.  
- Discharge Instructions: VIS, Tetanus, Diphtheria (Td) - CDC, Abrasion, Easy-to-Read, Knee Pain, Easy-to-Read.  
- Medication Reconciliation form.  
- Follow up: Private Physician; When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care. Follow up: Emergency Department; When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition.  
- Problem is new.  
- Symptoms have improved.

Order Results:

There are currently no results for this order.

Signatures:

Dispatcher MedHost	EDMS
Tate, Jessica, RN	RN jt
Hinchman, Brant, DO	DO bdh

2

Ramey, Nicole  
Bouldin, Lauren, RN  
Reynolds, Daniel R

nmr  
RN lbl  
RN dr

Corrections: (The following items were deleted from the chart)

09/21  
04:48 09/21 04:16 COMPREHENSIVE METABOLIC PANEL+LAB ordered. EDMS EDMS  
09/21  
04:48 09/21 04:16 COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered. EDMS EDMS  
09/21  
04:49 09/21 04:16 CPK, TOTAL+LAB ordered. EDMS EDMS  
09/21  
04:50 09/21 04:16 ALCOHOL, ETHYL+LAB ordered. EDMS EDMS  
09/21  
04:50 09/21 04:16 STAT OVERDOSE PANEL+LAB ordered. EDMS EDMS  
09/21  
04:52 09/21 04:52 09/21/2018 04:52 Discharged to Jail/Police. Impression: bdh  
Abrasion, right knee; Abrasion of unspecified front wall of thorax.  
Condition is Stable. Discharge Instructions: Medication  
Reconciliation. Follow up: Private Physician; When: Tomorrow; Reason:  
Further diagnostic work-up, Recheck today's complaints, Continuance  
of care. Follow up: Emergency Department; When: As needed; Reason:  
Fever > 102 F, Trouble breathing, Worsening of condition. Problem is  
new. Symptoms have improved. bdh  
09/21  
04:54 09/21 04:16 URINALYSIS W/REFLEX TO CULTURE+LAB ordered. EDMS EDMS

\*\*\*\*\*



9/13/2019 4:43:01 PM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/1

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

**Inquiry Letter to Martinsville Circuit Court on any record of Search Warrant****Friday, September 13, 2019 - 04:27 PM****ATTN:** Hon. Ashby R. Pritchett or any authorized Deputy Clerk

Martinsville Circuit Court

21st Judicial Circuit of Virginia

Phone: (276) 403-5106 // Fax: (276) 403-5232

P.O. Box 1206

55 W. Church Street

Martinsville, VA 24114-1206

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 09/13/2019 016:48:58

TESTE:

B. D. Hill  
CLERK/DEPUTY CLERK

Dear Hon. Ashby R. Pritchett or any authorized Deputy Clerk,

I would like to receive a written letter/response to this inquiry, as to whether there is any court record in regards to a search warrant that may have been executed in September, 2018 and October, 2018 (date range) by Officer Sgt. Robert D. Jones of the Martinsville Police Department or any other officer that had worked for Martinsville Police Department at the time such request for a "search warrant" was made or may have been made.

If there is no record of such search warrant, please notify me As Soon AS Possible.

The search warrant is in regards to "Brian David Hill, 310 Forest Street, Apartment 2 (*address at the time of whether the search warrant was executed if it exists*), 276-790-3505. Brian David Hill would have been the target of any such search warrant. If there was any existence of such warrant, Brian David Hill was never served with a copy of such warrant if it was executed against Brian David Hill in September to October, 2018. Please let me know if such record exists so that I can request a copy.

Thank You,

**URGENT**RECEIPT CONFIRMATION  
REQUESTED

Signed,

Brian D. Hill  
*Signed*

Brian D. Hill

Former U.S.W.G.O. Alternative News reporter

Phone #: 276-790-3505

Mailing Address: 310 Forest Street, Apartment 1, Martinsville, Virginia 24112

**U.S.W.G.O.****QANON - DRAIN THE SWAMP**

Amazon: The Frame Up of Journalist Brian D. Hill

Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

**CITY OF MARTINSVILLE  
CIRCUIT COURT CLERK'S OFFICE  
P. O. BOX 1206  
MARTINSVILLE, VA 24114  
276-403-5105  
FAX # 276-403-5232**

---

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**FACSIMILE TRANSMITTAL SHEET**

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---

<b>TO:</b> Matt Clark copy: Brian Hill	<b>FROM:</b> Betty E. Wagoner, Certified Master Deputy Clerk <i>Betty E. Wagoner</i>
<b>COMPANY:</b>	<b>DATE:</b> 9/17/2019
<b>FAX NUMBER:</b> 276-634-4004 276-790-3505	<b>TOTAL NO. OF PAGES INCLUDING COVER:</b> 2
<b>PHONE NUMBER:</b>	<b>SENDER'S REFERENCE NUMBER:</b> CR19000009-00
<b>RE:</b> Brian David Hill	<b>YOUR REFERENCE NUMBER:</b>

---

---

☐ URGENT    ☒ FOR REVIEW    ☐ PLEASE COMMENT    ☐ PLEASE REPLY    ☐ PLEASE RECYCLE

---

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**NOTES/COMMENTS:**

Please see attached request from your client; Brian Hill.

When we receive a request from a defendant for information it is forwarded to their attorney for response.

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

JOB NO. 0730  
ST. TIME 09/17 08:59  
SHEETS 2  
FILE NAME  
  
TX INCOMPLETE -----  
TRANSACTION OK 96344004  
ERROR -----

**CITY OF MARTINSVILLE  
CIRCUIT COURT CLERK'S OFFICE  
P. O. BOX 1206  
MARTINSVILLE, VA 24114  
276-403-5105  
FAX # 276-403-5232**

**FACSIMILE TRANSMITTAL SHEET**

TO:	FROM:
Matt Clark	Betty E. Wagoner,
copy: Brian Hill	Certified Master Deputy Clerk <i>Betty E. Wagoner</i>
COMPANY:	DATE:
	9/17/2019
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
276-634-4004 276-790-3505	2
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	CR19000009-00
RE:	YOUR REFERENCE NUMBER:
Brian David Hill	

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

**NOTES/COMMENTS:**

Please see attached request from your client; Brian Hill.

When we receive a request from a defendant for information it is forwarded to their attorney for response.

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

JOB NO. 0731  
ST. TIME 09/17 09:00  
SHEETS 2  
FILE NAME  
  
TX INCOMPLETE -----  
TRANSACTION OK -----  
ERROR 97903505

**CITY OF MARTINSVILLE  
CIRCUIT COURT CLERK'S OFFICE  
P. O. BOX 1206  
MARTINSVILLE, VA 24114  
276-403-5105  
FAX # 276-403-5232**

**FACSIMILE TRANSMITTAL SHEET**

<b>TO:</b>		<b>FROM:</b>	
Matt Clark		Betty E. Wagoner,	
copy: Brian Hill		Certified Master Deputy Clerk <i>Betty E. Wagoner</i>	
<b>COMPANY:</b>		<b>DATE:</b>	
		9/17/2019	
<b>FAX NUMBER:</b>		<b>TOTAL NO. OF PAGES INCLUDING COVER:</b>	
276-634-4004 276-790-3505		2	
<b>PHONE NUMBER:</b>		<b>SENDER'S REFERENCE NUMBER:</b>	
		CR19000009-00	
<b>RE:</b>		<b>YOUR REFERENCE NUMBER:</b>	
Brian David Hill			

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

**NOTES/COMMENTS:**

Please see attached request from your client; Brian Hill.  
When we receive a request from a defendant for information it is forwarded to their attorney for response.



*Martinsville*  
Commonwealth's Attorney

G. ANDREW HALL  
Commonwealth's Attorney

ALBERTO Z. HERRERO  
Assistant Commonwealth's Attorney

PAULA A. BOWEN  
Deputy Commonwealth's Attorney

DANIEL P. MOOK  
Assistant Commonwealth's Attorney

July 24, 2019

Hon. G. Carter Greer  
Martinsville Circuit Court  
55 West Church Street  
Martinsville, VA 24112

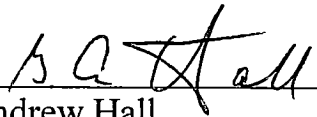
*VIA HAND-DELIVERY*

**RE: Commonwealth v. Brian Hill**  
**CR19000009-00**

Dear Judge Greer,

Mr. Hill is currently charged with Indecent Exposure. His case is scheduled to be tried by a jury on August 30, 2019. Mr. Hill continues to send me his writings, just as he did when the case was in General District Court, and afterwards. As he is ably represented by his court appointed attorney, Ms. Lauren McGarry, I have not responded to any of his writings.

With kindest regards,

  
\_\_\_\_\_  
G Andrew Hall  
Commonwealth's Attorney  
City of Martinsville

Cc: Lauren McGarry, *Esquire*  
File



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Quick Letter - Please forward to Judge and to the Sheriff and the processing Jail staff  
ASAP! URGENT

Thursday, November 14, 2019 11:50 PM

Please FORWARD to classification of Martinsville City Jail ASAP!

Criminal Action No. CR19000009-00

Commonwealth of Virginia v. Brian David Hill

**URGENT**

Clerk of Martinsville Circuit Court,

As I had faxed to you days ago. Because I believe I will not get an impartial trial and won't get a fair trial without unfair prejudice,  
I will be heading down to the Courthouse tomorrow on November 15, 2019 to sign a paper that I withdraw my Appeal.

I also understand that I will be taken down to the jail for processing, even though I was already given time served in General District Court.

As I was already sentenced to 30 days sentence and I already had served 90 or 91 days from September 21, 2018, until December 22, 2018.

I would like the processing to be done as quick and painless as possible.

I am a type 1 brittle diabetic, my lawyer informed me that the processing would be quick like maybe 10 or 15 minutes I would be down there. I am wearing an ankle monitor as part of my Federal Supervised Release at this time and cannot be taken off without a court order in Federal Court. I am also having to tie something around my leg to keep water from getting in the ankle monitor as it isn't very durable but I am in a bad situation because of the state charge. I am also wearing a patch for my blood glucose monitor to do blood glucose readings which is expensive but paid for by Medicaid. If I have to take it off to be processed, it will do unnecessary harm to me and then I cannot test my blood sugars as each patch has to be on the back of my arm for two weeks, before I have to remove and apply new patch to continue getting blood glucose readings without test strips. I still have 6 or 7 days left that the patch needs to stay on.

If I have to be processed in Martinsville City Jail after I withdraw my appeal tomorrow, I ask that it be as quick and painless as possible. My health is brittle and I hope I will be able to be processed before lunch time.



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Under the Americans with Disabilities Act federal law, I ask that I quickly be processed then released so that I can eat lunch and do my NovoLog insulin and Lantus Insulin.

Please give this fax and copies thereto to anybody who is in charge of processing me after I withdraw my appeal. I ask that the processing be quick.

I will try to arrive by 9:00AM and sign a form to withdraw my appeal, and hopefully be processed as quick as possible so that I can return back to my family and caretaker and be able to do my insulin shots.

Thanks,

Brian David Hill

Former U.S.W.G.O. Alternative New reporter

Friend's site: [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

276-790-3505

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Brian D. Hill  
*Signed*

Qanon "Question Everything"

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 11/15/2019 @09:23:34

TESTE: Jennifer C. Adair  
CLERK/DEPUTY CLERK

## Jennifer Coplin

---

**From:** Jennifer Coplin  
**Sent:** Tuesday, November 26, 2019 1:34 PM  
**To:** wally25523@gmail.com  
**Subject:** Brian Hill - CR19000009-00  
**Attachments:** motion to vacate fraudulent begotten judgment.pdf; order denied.pdf

Don't shoot the messenger. But Mr. Hill filed this and we are just sending you a copy of the motion he filed and the order were the court denied the motion.

Hope you have a Happy Thanksgiving.

*Jennifer Coplin  
Certified Master Deputy Clerk  
Martinsville Circuit Court  
P O Box 1206  
Martinsville VA 24114*

Venta Fax & Voice (http://www.ventafax.com)  
Transmission ticket for Fax ID: 276-790-3505

Date: 11/11/2019  
Number of pages: 11

Attn.: Commonwealth Attorney  
Recipient's number: T1-276-403-5478

Filename: C:\ProgramData\VentaFax & Voice 6\Out\Brian's motion to withdraw  
File description: Brian's motion to withdraw appeal(4)Signed.pdf

Recipient's Fax ID: 12764035478  
Rate: 14400 bps

Time: 7:58:49 PM  
Session duration: 8:53  
To: Commonwealth Attorney  
Message type: Fax  
Error Correction: Yes  
Resolution: 200\*200 dpi  
Record number: 7994

*send copies to counsel*  
*[Signature]*  
11/12/19

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 11/12/2019 009:12:29

TESTE: *[Signature]*  
CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

Commonwealth of Virginia,	)	
	)	
Plaintiff,	)	Criminal Action No. CR19000009-00
	)	
v.	)	
	)	
Brian David Hill,	)	Motion to Withdraw Appeal
	)	
Defendant,	)	

MOTION TO WITHDRAW APPEAL

COMES NOW criminal Defendant Brian David Hill ("Brian", "Hill") respectfully requests to withdraw the Appeal of the December 21, 2018, General District Court finding of guilty. However Brian does NOT waive his right to collaterally attack/challenge his conviction in General District Court and also does NOT waive his right to file a Writ of Actual Innocence.

The reason for withdrawing his appeal is because he is facing a fixed jury trial where the cards are stacked against him. It will not be a fair trial and his legal innocence will not matter as various private lawyers had explained to Brian when Brian's family asked for free consultation with multiple private lawyers, to see if any had opinions differing from the court appointed lawyers.

One lawyer told Brian that his federal conviction will be brought up if Brian testifies on the stand, when testifying is necessary to show a defense that Brian has Autism Spectrum Disorder which would explain why Brian smiles in photos, because his Autism affects his behaviors and can cause incorrect or abnormal behaviors such as smiling or giving the inappropriate facial expressions or gestures

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>Brian David Hill,</b>	)	<b>Motion to Withdraw Appeal</b>
	)	
<b>Defendant,</b>	)	

**MOTION TO WITHDRAW APPEAL**

COMES NOW criminal Defendant Brian David Hill ("Brian", "Hill") respectfully requests to withdraw the Appeal of the December 21, 2018, General District Court finding of guilty. However Brian does NOT waive his right to collaterally attack/challenge his conviction in General District Court and also does NOT waive his right to file a Writ of Actual Innocence.

The reason for withdrawing his appeal is because he is facing a fixed jury trial where the cards are stacked against him. It will not be a fair trial and his legal innocence will not matter as various private lawyers had explained to Brian when Brian's family asked for free consultation with multiple private lawyers, to see if any had opinions differing from the court appointed lawyers.

One lawyer told Brian that his federal conviction will be brought up if Brian testifies on the stand, when testifying is necessary to show a defense that Brian has Autism Spectrum Disorder which would explain why Brian smiles in photos, because his Autism affects his behaviors and can cause incorrect or abnormal behaviors such as smiling or giving the inappropriate facial expressions or gestures



during a situation of duress or in any other situation. Autism should not be legally treated as the same as normal behaviors because Autism behaviors differ from the normal set of expected human behaviors in a society. Such as after being threatened Brian didn't walk for miles to get to the Police Department but instead did exactly what the man in the hoodie had directed Brian to do or his mother will be killed, he presumed that if he didn't do what the man in the hoodie had said. Another lawyer said that his affidavits filed in federal court about his state case cannot be used. Another one said that Brian's allegation of fraud upon the court against the Commonwealth Attorney cannot be sustained because the evidence that may prove fraud by the Police Department cannot be used because of dual sovereignty where federal evidence concerning the same state charge of indecent exposure and is relevant to it cannot be brought up at the jury trial because of a claim of dual sovereignty, then hinting that Brian may face contempt of court for bringing the truthful allegations because of a technicality of dual sovereignty barring Brian from bringing up a map in the federal case showing where Brian allegedly took the pictures on September 21, 2018, which disproves Martinsville Police Department's fraudulent claim that Brian took photos all around the town, or all around the city when the evidence presented by the U.S. Attorney and witness Sergeant Robert Jones differs from his earlier claims to the psychologist which means fraudulent claims was told to both the psychologist of the mental evaluation at the General District Court level. Different lawyers gave slightly different opinions but all of them recommended that Brian withdraw his appeal because he would not win the jury trial even if he is legally innocent because the jurors would be biased and picked from the bible belt area and would automatically make their own personal determinations of Brian's guilt rather than the law's determination in the Appellate courts of record. They thought if Brian had faced a bench trial that he'd have a better chance at being found legally innocent of his



charge. Since there is no way possible for Brian to get a bench trial, the lawyers thinks Brian has a poor chance, which doesn't make any sense.

Brian was told he can't have this as evidence, he cannot have that as evidence. Brian doesn't seem to be getting anywhere and each lawyer just gives the same bad news, that because Brian was wrongfully convicted of possession of child pornography in a corrupt Federal Court in the Middle District of North Carolina that ignored evidence and wouldn't show Brian all of his discovery material before compelling him to falsely plead guilty, that his Writ of Habeas Corpus on the ground of actual innocence does not matter, and that his fraud upon the court allegations in his federal case that were unopposed also does not matter for his state case. All the jurors would hear is about Brian's "sex charge" when Brian testifies on the stand and he was told by one private lawyer that he cannot bring up to the jury that he is fighting his federal criminal conviction on the ground of actual innocence and fraud upon the court and both of them are not subject to statute of limitations, and that it can be used to discredit him as a witness because all felons are liars as one lawyer told Brian. It takes time for Brian to overturn his wrongful federal conviction but the state jury trial will not delay indefinitely for Brian to overturn his wrongful conviction in Federal Court so that then he can testify at the jury trial without facing that prejudice. Brian will not get a fair trial in state court until his federal conviction is overturned, or that President Donald John Trump grants Brian a pardon of innocence for his federal conviction. His federal conviction cannot establish any facts or relevance as to why Brian was naked (but not obscene) on September 21, 2018. However when the jurors hear the words "possession of child pornography", any Christian will instantly turn on Brian and want him dead or to suffer, and want his house burned down. Because of the stigmatization of his "federal sex charge" of "possession", his actual innocence



will not matter, even if Brian is later found actually innocent of his wrongful federal conviction, if they hear those words, their ears turn off, their brains turn off, and their eyes turn off and they will refuse to hear or see any evidence except that Brian will be guilty because they will all believe that he is guilty when they hear the words of his federal conviction if Brian were to testify on the stand. He doesn't stand a chance, even if he is legally innocent. His pro se motions do not work because they force all motions through his attorney who isn't fighting for him. Brian submitted interrogatories to the Commonwealth's Attorney to ask for answers but his own lawyer will not submit interrogatories asking the same questions that were asked in Federal Court by Attorney Renorda Pryor, which would allow answers under oath before the trial and would give Brian a good chance at trying for a motion to dismiss based on the fact that Brian wasn't being obscene and obscenity is required in order for Brian to be found guilty of V.A. Code § 18.2-387. "Indecent exposure." Brian is legally innocent but the Jury will not recognize it if they are mainly Christians from the Bible belt, which highly likely will be Christians from the Bible belt. It doesn't matter what motions his friend Eric Clark (a legal expert from Kansas) tells Brian to file because any pro se motions he files or any interrogatories that he faxes to the Commonwealth Attorney will also be ignored because they were done pro se. He has been deprived of effective counsel every step of the way in his case, he doesn't stand a chance at jury trial. His former lawyer Scott Albrecht had never asked for the police body-camera footage while it was retained by Martinsville Police Department last year (*Brian also filed a motion for discovery for that body-camera footage but that was also ignored because it was filed pro se*), and Matthew Clark tells Brian that his letters to the Police Department asking for the body camera footage to be turned over to his lawyer doesn't matter, even though the body-camera footage would also help to show evidence of duress to the jury and show his autistic behaviors which



would be evident. His court appointed lawyers and private lawyers told him and his family that none of that matters, his legal innocence doesn't matter, none of the evidence matters. It is all one sided, a one sided jury trial that Brian would be facing. The prosecutor can use his autistic behaviors against him to make him look guilty but he isn't allowed to have a medical expert to testify to Brian's autism in his defense because the only defenses that will be accepted is if Brian were criminally insane (ruled mentally insane) and is declared cocoo, and that he would not be allowed to bring up anything from his Autism in his defense. They all practically said that if it was a bench trial, he would have a better chance at being found legally innocent for not being obscene, but Brian has no chance at a jury because it will all be fixed from what all lawyers have told Brian. Brian could debate with them all day long about how they are wrong about this and how they are about that, but Brian can't chance the minds of lawyers that are fixed to a certain belief or a certain repetitious ways of doing things a certain way all of the time, and that nothing else matters from this narrow way of doing things. Brian could file a motion to proceed pro se and try to set a new precedent on the way the rules work and that lawyers could have done this for Brian and could have done that for Brian, but then his Autism will work against him and make it difficult for Brian to present a case on his own during the jury trial as Brian is not a lawyer and has no Bar license, he doesn't have memorized the trial rules and rules of the court which puts him at risk of not knowing what he is doing, and if he is at risk of having an autistic meltdown, that would be used against him and put him in a worse situation. It is all fixed and Brian has no chance under a fixed jury trial. Since Brian is legally innocent, he can always file a Writ of Actual Innocence at a later time or ask a higher court to overturn his state conviction in General District Court on the basis of legal innocence since there is no time limit on actual innocence claims according to the U.S. Supreme Court on rulings for Writ of



Habeas Corpus petitions that are time barred but not time barred for actual innocence.

For the foregoing explanations above, Brian does not stand a chance, and because of his Autism his ability to present the case on his own (pro se) without any legal trial experience is a very good chance of losing and that his legal innocence would not matter to Christian Bible belt jurors. It would not matter to Christian Bible belt jurors even though Adam and Eve were naked but not sexual, and Noah was naked in the tent and his sons tried to cover him up and Noah got angry but was not sexual, and another bible story where Peter was fishing naked but wasn't sexual. However regular Christians would portray Brian's non-sexual nudity and confusing autistic behavior as sexual from their own religious perspectives. They wouldn't know of Brian's carbon monoxide exposure, they wouldn't know of Brian having a documented medical history of Mild Autism and would only know that at sentencing like that would matter, and they wouldn't know of Brian proving his innocence of possession of child pornography and be forced to tell the jurors under oath what his federal conviction was for but then would not be allowed to explain to the jurors that he had filed a Writ of Habeas Corpus petition in November 2017 for his actual innocence and was also attacking his conviction for fraud upon the court committed by the federal prosecution in violation of N.C. State Bar Rule 3.8.

For the foregoing explanations above, Brian would stand a better chance at a bench trial for his legal innocence or would stand a good chance of getting his case dismissed on not being obscene but his pro se motions are ignored and his lawyer refuses or fails to even try filing a motion to dismiss based on Brian's legal innocence on the obscenity requirement under Virginia persuasive case laws. There is no way Brian can legally push for a bench trial because the Commonwealth



Attorney pushed for jury trial, knowing that Brian will not get a fair trial and that his federal conviction can be used against him and prejudice the jurors one way or another. Legal innocence does not matter in a jury trial when the jurors can be prejudiced by a wrongful federal conviction that was and is currently being challenged on actual innocence and frauds upon the court under case law of *Chambers v. Nasco, Inc.* and other case laws. Brian would have won had it been a bench trial. Because of that reason, Brian has no choice but to withdraw his appeal from the General District Court, and consider finding other means to challenge his state case by other legal means he could use. He may even have to consider filing a Writ of Habeas Corpus in federal court for his state conviction in General District Court. Brian is having to weigh his options to ensure that his legal innocence is recognized and won't be barred by discrimination and prejudice on its face.

Then another lawyer who said that Brian did have a chance at being found innocent of indecent exposure, turned his back on Brian and refused to take the case at all because he spoke with Lauren McGarry who made a big deal out of somebody else's investigative work and blog post that doesn't even have the information on that blog for months after Brian's family requested that it be removed from Laurie's blog post on [JusticeForUSWGO.wordpress.com](https://JusticeForUSWGO.wordpress.com). So that one lawyer refused to take the case because Lauren McGarry complained to him (this private lawyer) about somebody else's blog post from June or July of 2019. So Brian cannot even get a good lawyer to fight for him. Brian is screwed over, every way ever since the jury trial was started by the Commonwealth Attorney. Brian has had to beg for a pardon in his federal case for his actual innocence but Trump is being attacked so much by lies and deceit, Donald John Trump doesn't even have the time to consider pardoning Brian David Hill of his wrongful federal conviction on the basis of recognizing his actual innocence. Brian isn't going to



find a good lawyer that his family can pay for cheaply just so Brian can be found legally innocent and defeat his Supervised Release Violation in federal court over his legal innocence in this state case. One turned his back on Brian because of what one lawyer or two lawyers from the Martinsville Public Defender office had told him. Brian is screwed over in many ways and will never get a fair trial in this state case, EVER. Brian is having to consider asking for a non-local Virginia attorney away from the Bible belt and away from the Public Defender office, but then the cost will be unaffordable for a third party aka Brian's family to even pay to aid in Brian's winning this state case.

Brian's only chance to preserve his legal innocence is to withdraw his appeal in the Circuit Court, and just find another way to get a fair bench hearing to be found legally innocent of his state charge.

Brian has given a good series of explanations in this motion as to why he is withdrawing his appeal. He has other routes to prove his legal innocence and overturn his conviction in the General District Court. Brian doesn't to have to deal with any drama coming from the Martinsville Public Defender office over what one of Brian's friends had posted at [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com) back in June or July 2019, but then removed those from the blog posting out of concerns from Brian's family that it would put a target on all of our backs. At this point, there is just no way any fair trial can happen in the City of Martinsville. Brian is requesting appeal be withdrawn and accepts the conviction in the General District Court, and will find other legal ways to overturn his wrongful conviction on December 21, 2018, in the Martinsville General District Court.

Also an argument suggested by Brian's family:

According to our US Constitution, Sixth Amendment - Rights of Accused in Criminal Prosecutions a defendant has a right to a speedy and public trial,



by an **impartial jury of the State and district wherein the crime shall have been committed**, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; **to have compulsory process for obtaining witnesses in his favor**, and to have the Assistance of Counsel for his defense.

It is now 21 or 22 days until Brian's jury trial. His attorney has not asked Brian who he would want to have as witnesses to represent him, has not tried to get a professional witness who understands and can explain to the jury how his autism caused him to leave the house and caused other things that night, and it is getting too close to time to prepare or arrange for these witnesses to appear. All cards are stacked against Brian and work for the prosecution which would explain why he wanted a jury trial, and Brian's court appointed attorney wanted a bench trial.

Brian and his family have contacted several local attorneys and found out from all that we live in a Bible belt so most jurors in this area will be offended by these photos. Taking photos of oneself in the nude is not against the law. These were taken in the dark when no one else was around, and the camera was in Brian's backpack at the time of arrest. Now these personal photos will be shown to many people without explaining that Brian has autism which is brain damage and similar to dementia and was under the influence of undetected carbon monoxide gas in his home for almost a year which caused Brian's health to worsen and caused a lot of physical damage to the ceiling above & walls around his fireplace from the gas hot water heater and gas boiler/furnace. The vent was blocked in the chimney. If Brian testifies, the prosecution then can bring up about a former charge, but Brian can't bring up that this charge is based on fraud upon the court and is being contested in court. With Brian's autism, he will most likely have a melt-down. This court appointed attorney wants Brian to testify and did not tell us what other attorneys have told us about this. This attorney has not discussed if he has obtained permission for Brian to have autism and type I insulin brittle diabetes supports in the court which is a federal law according to the Americans with Disabilities Act as well as instructions on how to question someone with autism in the court. He has not told Brian or his family what type of measure will be taken when they



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

question someone with autism. Brian has now accepted the fact that he will lose and so it is time to withdraw his appeal.

Hill respectfully files this Motion with this honorable Court, this the 11th day of November, 2019.

Respectfully submitted,

*Brian D. Hill*

*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

JusticeForUSWGO.wordpress.com

Amazon: The Frame Up of Journalist Brian D. Hill

This pleading had been transmitted by facsimile to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 11, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112 and at Fax: (276) 403-5232. It has also been transmitted by facsimile to the General District Court at the Fax: Fax: (276) 403-5114 since granting of this motion to withdraw appeal sends the case record back to the General District Court.

#### CERTIFICATE OF SERVICE

I hereby certify that on this the 11th day of November, 2019, a true copy of the foregoing Motion/Pleading was transmitted by facsimile to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville,



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478. Transmission ticket attached.

*Brian D. Hill*  
*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

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## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>Brian David Hill,</b>	)	<b>Motion to Withdraw Appeal</b>
	)	
<b>Defendant,</b>	)	

**MOTION TO WITHDRAW APPEAL**

COMES NOW criminal Defendant Brian David Hill ("Brian", "Hill") respectfully requests to withdraw the Appeal of the December 21, 2018, General District Court finding of guilty. However Brian does NOT waive his right to collaterally attack/challenge his conviction in General District Court and also does NOT waive his right to file a Writ of Actual Innocence.

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by an **impartial jury of the State and district wherein the crime shall have been committed**, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; **to have compulsory process for obtaining witnesses in his favor**, and to have the Assistance of Counsel for his defense.

It is now 21 or 22 days until Brian's jury trial. His attorney has not asked Brian who he would want to have as witnesses to represent him, has not tried to get a professional witness who understands and can explain to the jury how his autism caused him to leave the house and caused other things that night, and it is getting too close to time to prepare or arrange for these witnesses to appear. All cards are stacked against Brian and work for the prosecution which would explain why he wanted a jury trial, and Brian's court appointed attorney wanted a bench trial.

Brian and his family have contacted several local attorneys and found out from all that we live in a Bible belt so most jurors in this area will be offended by these photos. Taking photos of oneself in the nude is not against the law. These were taken in the dark when no one else was around, and the camera was in Brian's backpack at the time of arrest. Now these personal photos will be shown to many people without explaining that Brian has autism which is brain damage and similar to dementia and was under the influence of undetected carbon monoxide gas in his home for almost a year which caused Brian's health to worsen and caused a lot of physical damage to the ceiling above & walls around his fireplace from the gas hot water heater and gas boiler/furnace. The vent was blocked in the chimney. If Brian testifies, the prosecution then can bring up about a former charge, but Brian can't bring up that this charge is based on fraud upon the court and is being contested in court. With Brian's autism, he will most likely have a melt-down. This court appointed attorney wants Brian to testify and did not tell us what other attorneys have told us about this. This attorney has not discussed if he has obtained permission for Brian to have autism and type I insulin brittle diabetes supports in the court which is a federal law according to the Americans with Disabilities Act as well as instructions on how to question someone with autism in the court. He has not told Brian or his family what type of measure will be taken when they



Attn.: Ms Stacie Renae Prillaman or any authorized Deputy Clerk To: Martinsville General District Court

question someone with autism. Brian has now accepted the fact that he will lose and so it is time to withdraw his appeal.

Hill respectfully files this Motion with this honorable Court, this the 11th day of November, 2019.

Respectfully submitted,

Brian D. Hill

*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

JusticeForUSWGO.wordpress.com

Amazon: The Frame Up of Journalist Brian D. Hill

This pleading had been transmitted by facsimile to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 11, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112 and at Fax: (276) 403-5232. It has also been transmitted by facsimile to the General District Court at the Fax: Fax: (276) 403-5114 since granting of this motion to withdraw appeal sends the case record back to the General District Court.

#### CERTIFICATE OF SERVICE

I hereby certify that on this the 11th day of November, 2019, a true copy of the foregoing Motion/Pleading was transmitted by facsimile to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville,



Attn: Ms Stacie Renae Prillaman or any authorized Deputy Clerk; Martinsville General District Court

Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478. Transmission ticket attached.

*Brian D. Hill*  
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

JusticeForUSWGO.wordpress.com

Amazon: The Frame Up of Journalist Brian D. Hill



Attn.: Ms Stacie Renae Prillaman or any authorized Deputy Clerk To: Martinsville General District Court

Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 11/11/2019

Number of pages: 11

Attn.: Commonwealth Attorney

Recipient's number: T1-276-403-5478

Filename: C:\ProgramData\Venta\VentaFax &amp; Voice 6\Out\Brian's motion to withdraw Error Correction: Yes 019-11-11.tif

File description: Brian's motion to withdraw appeal(4)Signed.pdf

Recipient's Fax ID: 12764035478

Rate: 14400 bps

Time: 7:58:49 PM

Session duration: 8:53

To: Commonwealth Attorney

Message type: Fax

Resolution: 200\*200 dpi

Record number: 7994

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

Commonwealth of Virginia,	)	
	)	
Plaintiff,	)	Criminal Action No. CR19000009-00
	)	
v.	)	
	)	
Brian David Hill,	)	Motion to Withdraw Appeal
	)	
Defendant,	)	

MOTION TO WITHDRAW APPEAL

COMES NOW criminal Defendant Brian David Hill ("Brian", "Hill") respectfully requests to withdraw the Appeal of the December 21, 2018, General District Court finding of guilty. However Brian does NOT waive his right to collaterally attack/challenge his conviction in General District Court and also does NOT waive his right to file a Writ of Actual Innocence.

The reason for withdrawing his appeal is because he is facing a fixed jury trial where the cards are stacked against him. It will not be a fair trial and his legal innocence will not matter as various private lawyers had explained to Brian when Brian's family asked for free consultation with multiple private lawyers, to see if any had opinions differing from the court appointed lawyers.

One lawyer told Brian that his federal conviction will be brought up if Brian testifies on the stand, when testifying is necessary to show a defense that Brian has Autism Spectrum Disorder which would explain why Brian smiles in photos, because his Autism affects his behaviors and can cause incorrect or abnormal behaviors such as smiling or giving the inappropriate facial expressions or gestures

## ER Hamilton

---

**From:** Ashby Pritchett <apritchett@vacourts.gov>  
**Sent:** Saturday, February 12, 2022 11:17 PM  
**To:** ER Hamilton  
**Subject:** FW: Read: Martinsville Circuit Court, Last Minute Evidence for New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

**Importance:** High

Caution: This email originated from outside of the City of Martinsville VA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

-----Original Message-----

**From:** Roberta Hill <rbhill67@justiceforuswgo.nl>  
**Sent:** Saturday, February 12, 2022 3:31 PM  
**To:** Hon. Ashby R. Pritchett, Clerk of the Court <APritchett@courts.state.va.us>; Ashby Pritchett <apritchett@vacourts.gov>  
**Subject:** Fwd: Read: Martinsville Circuit Court, Last Minute Evidence for New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

EXTERNAL EMAIL

THIS MESSAGE ORIGINATED FROM AN EXTERNAL ADDRESS. USE CAUTION CLICKING ON ANY LINKS OR DOWNLOADING ANY ATTACHMENTS

Proof of receipt from Commonwealth Attorney

----- Original Message -----

**Subject:** Read: Martinsville Circuit Court, Last Minute Evidence for New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Date:** 2022-02-12 09:07  
**From:** Andy Hall <ahall@ci.martinsville.va.us>  
**To:** Roberta Hill <rbhill67@justiceforuswgo.nl>

Your message

**To:** Andy Hall  
**Subject:** Martinsville Circuit Court, Last Minute Evidence for New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Sent:** Friday, February 11, 2022 7:47:55 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Saturday, February 12, 2022 9:07:32 AM (UTC-05:00) Eastern Time (US & Canada).

Final-recipient: RFC822; ahall@ci.martinsville.va.us

Disposition: automatic-action/MDN-sent-automatically; displayed

X-MSEch-Correlation-Key: 7o0D5bIVlkeGDb7lbrpOw==

Original-Message-ID:

<9db404d30a891021f8bccdb29a6ff0f0@justiceforuswgo.nl>

X-Display-Name: Andy Hall

## ER Hamilton

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**From:** Ashby Pritchett <apritchett@vacourts.gov>  
**Sent:** Saturday, February 12, 2022 11:17 PM  
**To:** ER Hamilton  
**Subject:** FW: Read: [SPAM] Court of Appeals of VA, Letter on Error Notice of Appeal, no. 0173-22-3, Brian David Hill v. Commonwealth of Virginia et al

**Importance:** High

Caution: This email originated from outside of the City of Martinsville VA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

-----Original Message-----

**From:** Roberta Hill <rbhill67@justiceforuswgo.nl>  
**Sent:** Saturday, February 12, 2022 3:32 PM  
**To:** Hon. Ashby R. Pritchett, Clerk of the Court <APritchett@courts.state.va.us>; Ashby Pritchett <apritchett@vacourts.gov>  
**Subject:** Fwd: Read: [SPAM] Court of Appeals of VA, Letter on Error Notice of Appeal, no. 0173-22-3, Brian David Hill v. Commonwealth of Virginia et al  
**Importance:** High

EXTERNAL EMAIL

THIS MESSAGE ORIGINATED FROM AN EXTERNAL ADDRESS. USE CAUTION CLICKING ON ANY LINKS OR DOWNLOADING ANY ATTACHMENTS

Proof of receipt from Commonwealth Attorney

----- Original Message -----

**Subject:** Read: [SPAM] Court of Appeals of VA, Letter on Error Notice of Appeal, no. 0173-22-3, Brian David Hill v. Commonwealth of Virginia et al  
**Date:** 2022-02-12 09:06  
**From:** Andy Hall <ahall@ci.martinsville.va.us>  
**To:** Roberta Hill <rbhill67@justiceforuswgo.nl>

Your message

**To:** Andy Hall  
**Subject:** [SPAM] Court of Appeals of VA, Letter on Error Notice of Appeal, no. 0173-22-3, Brian David Hill v. Commonwealth of Virginia et al  
**Sent:** Friday, February 11, 2022 10:57:08 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Saturday, February 12, 2022 9:06:29 AM (UTC-05:00) Eastern Time (US & Canada).

Final-recipient: RFC822; ahall@ci.martinsville.va.us  
Disposition: automatic-action/MDN-sent-automatically; displayed  
X-MSEch-Correlation-Key: ZwTcHxBXvUWdePSdmk7cSQ==  
Original-Message-ID:  
<13332e26b5ad41103fef1d9c5d49b674@justiceforuswgo.nl>

X-Display-Name: Andy Hall

## ER Hamilton

---

**From:** Ashby Pritchett <apritchett@vacourts.gov>  
**Sent:** Saturday, February 12, 2022 11:17 PM  
**To:** ER Hamilton  
**Subject:** FW: Read: Martinsville Circuit Court, Motion for Judgment of Acquittal or New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

**Importance:** High

Caution: This email originated from outside of the City of Martinsville VA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

-----Original Message-----

**From:** Roberta Hill <rbhill67@justiceforuswgo.nl>  
**Sent:** Saturday, February 12, 2022 3:33 PM  
**To:** Hon. Ashby R. Pritchett, Clerk of the Court <APritchett@courts.state.va.us>; Ashby Pritchett <apritchett@vacourts.gov>  
**Subject:** Fwd: Read: Martinsville Circuit Court, Motion for Judgment of Acquittal or New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

EXTERNAL EMAIL

THIS MESSAGE ORIGINATED FROM AN EXTERNAL ADDRESS. USE CAUTION CLICKING ON ANY LINKS OR DOWNLOADING ANY ATTACHMENTS

Proof of receipt from Commonwealth Attorney

----- Original Message -----

**Subject:** Read: Martinsville Circuit Court, Motion for Judgment of Acquittal or New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Date:** 2022-02-11 17:23  
**From:** Andy Hall <ahall@ci.martinsville.va.us>  
**To:** Roberta Hill <rbhill67@justiceforuswgo.nl>

Your message

**To:** Andy Hall  
**Subject:** Martinsville Circuit Court, Motion for Judgment of Acquittal or New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Sent:** Friday, February 11, 2022 4:38:30 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Friday, February 11, 2022 5:23:01 PM (UTC-05:00) Eastern Time (US & Canada).  
Final-recipient: RFC822; ahall@ci.martinsville.va.us  
Disposition: automatic-action/MDN-sent-automatically; displayed  
X-MSEExch-Correlation-Key: hsdjX9x8MEWY1AmNGXvh1g==

Original-Message-ID:  
<acdd93565fa1794314c72f5b06b76c2c@justiceforuswgo.nl>  
X-Display-Name: Andy Hall

## ER Hamilton

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**From:** Ashby Pritchett <apritchett@vacourts.gov>  
**Sent:** Saturday, February 12, 2022 11:19 PM  
**To:** ER Hamilton  
**Subject:** FW: Martinsville Circuit Court, Motion for Judgment of Acquittal or New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Attachments:** Motion-Circuit-Court-Feb-11-2022-corrected.pdf  
**Importance:** High

Caution: This email originated from outside of the City of Martinsville VA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

-----Original Message-----

**From:** Roberta Hill <rbhill67@justiceforuswgo.nl>  
**Sent:** Friday, February 11, 2022 6:49 PM  
**To:** rbhill67@comcast.net  
**Cc:** Ashby Pritchett <apritchett@vacourts.gov>; Mark R. Herring, Esq. <mherring@oag.state.va.us>; Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>; EvidenceInfo@protonmail.com; Tracy Beanz <tracy@uncoverdc.com>; Stanley Bolten <StanleyBolten@protonmail.com>; kenstella@comcast.net; Celia@uncoverdc.com; Daniel@uncoverdc.com; brian@uncoverdc.com; larry@uncoverdc.com; wendi@uncoverdc.com; VeritasTips@protonmail.com; tips@projectveritas.com; NationalFile@protonmail.com  
**Subject:** Re: Martinsville Circuit Court, Motion for Judgment of Acquittal or New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

EXTERNAL EMAIL

THIS MESSAGE ORIGINATED FROM AN EXTERNAL ADDRESS. USE CAUTION CLICKING ON ANY LINKS OR DOWNLOADING ANY ATTACHMENTS

I apologize but my son forgot to add the corrected dates to reflect that it is a new motion and it had been modified so that it is not construed as a petition for a writ of actual innocence. My son will have me email a letter explaining about his corrected motion and additional evidence in support of the motion for a new trial or judgment of acquittal.

My son didn't know that his motion would be construed as a petition that had no jurisdiction. He doesn't know if the evidence can be reincorporated so he is going to have me refile the evidence for the new corrected motion asking for new trial or judgment of acquittal. He has removed all mentions of "writ of actual innocence" and is refiling this motion that it not be misconstrued as a writ petition.

My son wanted me to email and get it in by 5:00PM but then forgot to add the date of today.

The corrected version is being filed.

On 2022-02-11 16:38, Roberta Hill wrote:

> Hey Clerk of Circuit Court for the City of Martinsville,  
> CC: Glen Andrew Hall, Esquire. Clerk will be forwarded the Read  
> Receipt / Return Receipt from Glen Andrew Hall to confirm receipt of

> Motion.

>

> I am Roberta Hill, Brian's mother. I am filing this Motion for  
> Judgment of Acquittal or New Trial based upon new evidence... through  
> email to you on Brian's behalf due to his federal probation conditions  
> where he is not allowed to use the internet. He is having me file this  
> pleading on his behalf. My son is having me to serve the respondents  
> through email as well and the certificate of service is in the PDF  
> file of this filing. This email is also being sent to the Respondents  
> to serve them a copy of this pleading, and may also be faxed as well  
> by Brian D. Hill in the event that email may fail. Also See Video  
> Testimony of Brian David Hill on January 5, 2022 2nd Iteration -  
> YouTube (Declaration under oath) -  
> <https://www.youtube.com/watch?v=5PMaIR45MSo> which will be filed in  
> Federal and State Courts against Glen Andrew Hall and against the  
> Martinsville Police. This video will be filed in the Court of Appeals  
> of Virginia requesting a Writ of Actual Innocence, my son is  
> persistent and will not stop until he is acquitted of his charge.

>

> To Clerk: Please confirm by read receipt or response message  
> confirming that you have received this. There is a lot of evidence  
> that the Hon. Giles Carter Greer must review to understand that my son  
> is legally innocent and is entitled to acquittal. Thank You!

>

> Those emailed by CC are not parties to the case but are interested in  
> watching the case and it's filings with the Clerk's Office. My son is  
> pushing for investigations right now. That is all he is willing to  
> say. It also gives multiple witnesses to the receipt of the filings,  
> as a protection mechanism.

>

> Note: If you see any criminal activity or corruption going on in the  
> Legal System or in Government, please report these tips to Project  
> Veritas at [VeritasTips@protonmail.com](mailto:VeritasTips@protonmail.com), or go to Project Veritas  
> website.

>

> Roberta Hill (representative for electronic filing)  
> 310 Forest Street, Apartment 1  
> Martinsville, Virginia 24112

>

> Motion for Judgment of Acquittal, case no. CR19000009-00, Circuit  
> Court for the City of Martinsville Commonwealth of Virginia, City of  
> Martinsville v. Brian David Hill

>

> Defendant:  
> Brian David Hill  
> 310 Forest Street, Apartment 2  
> Martinsville, Virginia 24112


>

> Thanks,  
> Roberta

## ER Hamilton

---

**From:** Ashby Pritchett <apritchett@vacourts.gov>  
**Sent:** Saturday, February 12, 2022 11:18 PM  
**To:** ER Hamilton  
**Subject:** FW: Martinsville Circuit Court, AMENDED MEMORANDUM and Letter to Judge Greer, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Attachments:** AMENDED-MEMORANDUM-Circuit-Court-Feb-11-2022.pdf; Letter-Circuit-Court-Feb-11-2022.pdf  
**Importance:** High

 **Caution:** This email originated from outside of the City of Martinsville VA. **Do not** click links or open attachments unless you recognize the sender and know the content is safe.

**From:** Roberta Hill <rbhill67@justiceforuswgo.nl>  
**Sent:** Friday, February 11, 2022 7:44 PM  
**To:** Ashby Pritchett <apritchett@vacourts.gov>; Mark R. Herring, Esq. <mherring@oag.state.va.us>; Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>; Hon. Ashby R. Pritchett, Clerk of the Court <APritchett@courts.state.va.us>; nsherman@ci.martinsville.va.us; cgreer@ci.martinsville.va.us; jnunn@ci.martinsville.va.us  
**Cc:** EvidenceInfo@protonmail.com; Tracy Beanz <tracy@uncoverdc.com>; Stanley Bolten <StanleyBolten@protonmail.com>; kenstella@comcast.net; Celia@uncoverdc.com; Daniel@uncoverdc.com; brian@uncoverdc.com; larry@uncoverdc.com; wendi@uncoverdc.com; VeritasTips@protonmail.com; tips@projectveritas.com; NationalFile@protonmail.com  
**Subject:** Martinsville Circuit Court, AMENDED MEMORANDUM and Letter to Judge Greer, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

---

### EXTERNAL EMAIL

THIS MESSAGE ORIGINATED FROM AN EXTERNAL ADDRESS. USE CAUTION CLICKING ON ANY LINKS OR DOWNLOADING ANY ATTACHMENTS

---

Hey Clerk of Circuit Court for the City of Martinsville,  
CC: Glen Andrew Hall, Esquire. Note: Clerk will be forwarded the Read Receipt / Return Receipt from Glen Andrew Hall to confirm receipt of Motion.

**Note: Brian wanted me to apologize to Glen Andrew Hall for the multiple emails and the multiple pleadings, but the original motion was construed as a writ petition. My son never asked for that so he is filing the corrected version so please forgive him for filing a motion which was not construed as a new trial or judgment of acquittal. The letter to Judge Greer will explain why my son is filing a new motion and has been corrected to reflect that it is not a petition for a writ of actual innocence.**

I am Roberta Hill, Brian's mother. I am filing this AMENDED MEMORANDUM of Evidence and Letter to Judge Greer apologizing for his motion being misconstrued as a "Petition for the writ of actual innocence" in support of Brian David Hill's Motion for Judgment of Acquittal or New Trial based upon new evidence... through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well (their email should be included as [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us)) and the certificate of service is in the PDF file of this filing. This email is also being sent to the Respondent(s) to serve them a copy of this pleading, and may also be faxed as well by Brian D. Hill in the event that email may fail. Also See **Video Testimony of Brian David Hill on January 5, 2022 2nd Iteration - YouTube** (Declaration under oath) - <https://www.youtube.com/watch?v=5PMaIR45MS0> which will be filed in federal and state courts against Glen Andrew Hall and against the Martinsville Police. This video will be filed in the Court of Appeals of Virginia requesting a Writ of Actual Innocence and in his Federal Habeas Corpus 2255 motion civil case, my son is persistent and will not stop until he is acquitted of his charge.

This AMENDED MEMORANDUM also has an audio evidence link as well. My son the Defendant agrees to file an Audio CD and Video DVD with the Clerk upon request of Hon. Ashby Pritchett to have a physical copy of the audio and video evidence upon request if necessary to be a permanent piece of evidence on the record of the foregoing case in your court. The Letter to judge Greer is also being emailed to Glen Andrew Hall, so it is not an ex parte letter from my son since the prosecutor is receiving a copy.

Audio evidence in this AMENDED version: <https://archive.org/details/e-3-20190924130648-i-2766344000> - My son has this audio recording on Exhibit disc ready for the federal Court to examine this evidence when Brian's 2255 motion gets filed on PACER.GOV and Courtlistener.com. Then the Feds may end up subpoenaing Court appointed lawyer Matthew ST Clark regarding his claims and coercion to have my son withdraw his appeal in the Court. My son consented to the recording of the audio, recorded the conversation as my son did not trust this lawyer due to past bad experiences with court appointed lawyers in the Feds, and had his family listen to the audio of the phone conversation. Virginia is a one party consent state and the one present in the conversation can record the conversation to be a one party consent. That is why many news reporters go undercover to initiate the conversation while recording and interview the person they record as an undercover reporter is comporting with the one party consent statute, same principle. We all heard the conversation audio which was recorded and know that Matthew was pressuring my son to just give up on proving his innocence and withdraw appeal. I believe my son was pressured and coerced. He kept complaining about being pressured into withdrawing appeal. I am willing to testify under oath about my son constantly being upset after being pressured by this lawyer to withdraw appeal and really did not want to do such a thing.

To Clerk: Please confirm by read receipt or response message confirming that you have received this. There is a lot of evidence that the Hon. Giles Carter Greer must review to understand that my son is legally innocent and is entitled to acquittal. Thank You!

This is the evidence my son wishes to file and believes this is good enough to warrant an evidentiary hearing or acquittal or contempt hearing on Glen Andrew Hall for the spoliation of evidence. My son will be focusing on his Federal Habeas Corpus proceedings and any acquittal from this court, my son plans on notifying the Feds if that ever does happen. My son is pushing for acquittal on legal innocence because my son believes that is the only thing which will overturn his federal violation of probation conditions, based on him being innocent.

The last email to the Clerk and the Commonwealth Attorney will be the last minute evidence.

Those emailed by CC are not parties to the case but are interested in watching the case and it's filings with the Clerk's Office. My son is pushing for investigations right now. That is all he is willing to say. It also gives multiple witnesses to the receipt of the filings, as a protection mechanism.

**Note: If you see any criminal activity or corruption going on in the Legal System or in Government, please report these tips to Project Veritas at VeritasTips@protonmail.com, or go to Project Veritas website.**

Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Evidence in support of Motion for Judgment of Acquittal, case no. CR19000009-00, Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

## ER Hamilton

---

**From:** Ashby Pritchett <apritchett@vacourts.gov>  
**Sent:** Saturday, February 12, 2022 11:18 PM  
**To:** ER Hamilton  
**Subject:** FW: Martinsville Circuit Court, Last Minute Evidence for New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Attachments:** Last-Minute-Evidence-support2-11-2022.pdf  
**Importance:** High

**Caution:** This email originated from outside of the City of Martinsville VA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**From:** Roberta Hill <rbhill67@justiceforuswgo.nl>  
**Sent:** Friday, February 11, 2022 7:48 PM  
**To:** Ashby Pritchett <apritchett@vacourts.gov>; Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>; Hon. Ashby R. Pritchett, Clerk of the Court <APritchett@courts.state.va.us>; Jason S. Miyares, Esq. <miloag@oag.state.va.us>; nsherman@ci.martinsville.va.us; jnunn@ci.martinsville.va.us  
**Cc:** EvidenceInfo@protonmail.com; Tracy Beanz <tracy@uncoverdc.com>; Stanley Bolten <StanleyBolten@protonmail.com>; kenstella@comcast.net; Celia@uncoverdc.com; Daniel@uncoverdc.com; brian@uncoverdc.com; larry@uncoverdc.com; wendi@uncoverdc.com; VeritasTips@protonmail.com; tips@projectveritas.com; NationalFile@protonmail.com  
**Subject:** Martinsville Circuit Court, Last Minute Evidence for New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

---

### EXTERNAL EMAIL

THIS MESSAGE ORIGINATED FROM AN EXTERNAL ADDRESS. USE CAUTION CLICKING ON ANY LINKS OR DOWNLOADING ANY ATTACHMENTS

---

Hey Clerk of Circuit Court for the City of Martinsville,  
CC: Glen Andrew Hall, Esquire. Note: Clerk will be forwarded the Read Receipt / Return Receipt from Glen Andrew Hall to confirm receipt of Motion.

**NOTE: Glen Andrew Hall, this is the last evidence. Now that the medical records have been reviewed and also prove that my son was medically neglected and the Martinsville City Jail refused to have a physician examine my son as ordered by the Hospital, my son was not medically cleared, your officer Robert Jones lied to the Court. My son was not medically cleared. I reviewed over the medical records with my son. The jail did not follow the recommendations and orders of the Hospital. They did whatever they wanted, they refused to drug test my son. Your case is out of bounds here. My son was not cleared at all, and your City Jail just proved medical neglect and that they didn't do what the discharge papers had said.**

I am Roberta Hill, Brian's mother. I am filing this Last Minute Evidence in support of Brian David Hill's Motion for Judgment of Acquittal or a New Trial based upon new evidence... through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well (their email should be included as [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us)) and the certificate of service is in the PDF file of this filing. This email is also being sent to the Respondent(s) to serve them a copy of this pleading, and may also be faxed as well by Brian D. Hill in the event that email may fail.

To Clerk: Please confirm by read receipt or send a response message confirming that you have received this. There is a lot of evidence that the Hon. Giles Carter Greer must review to understand that my son is legally innocent and is entitled to acquittal. Thank You!

This is the last minute evidence my son is to filing due to the request of Stella Forinash the witness and believes this is good enough to warrant an evidentiary hearing or acquittal.

Those emailed by CC are not parties to the case but are interested in watching the case and it's filings with the Clerk's Office. My son is pushing for investigations right now. That is all he is willing to say. It also gives multiple witnesses to the receipt of the filings, as a protection mechanism.

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Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Last Minute Evidence in support of Motion for Judgment of Acquittal or New Trial, case no. CR19000009-00, Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

## ER Hamilton

---

**From:** Ashby Pritchett <apritchett@vacourts.gov>  
**Sent:** Saturday, February 12, 2022 11:20 PM  
**To:** ER Hamilton  
**Subject:** FW: Martinsville Circuit Court, Motion for Judgment of Acquittal or New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Attachments:** Motion-Circuit-Court-Feb-11-2022.pdf  
**Importance:** High

**Caution:** This email originated from outside of the City of Martinsville VA. **Do not** click links or open attachments unless you recognize the sender and know the content is safe.

**From:** Roberta Hill <rbhill67@justiceforuswgo.nl>  
**Sent:** Friday, February 11, 2022 4:39 PM  
**To:** Ashby Pritchett <apritchett@vacourts.gov>; Mark R. Herring, Esq. <mherring@oag.state.va.us>; Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>  
**Cc:** EvidenceInfo@protonmail.com; Tracy Beanz <tracy@uncoverdc.com>; Stanley Bolten <StanleyBolten@protonmail.com>; kenstella@comcast.net; Celia@uncoverdc.com; Daniel@uncoverdc.com; brian@uncoverdc.com; larry@uncoverdc.com; wendi@uncoverdc.com; VeritasTips@protonmail.com; tips@projectveritas.com; NationalFile@protonmail.com; rbhill67@comcast.net  
**Subject:** Martinsville Circuit Court, Motion for Judgment of Acquittal or New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

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### EXTERNAL EMAIL

THIS MESSAGE ORIGINATED FROM AN EXTERNAL ADDRESS. USE CAUTION CLICKING ON ANY LINKS OR DOWNLOADING ANY ATTACHMENTS

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Hey Clerk of Circuit Court for the City of Martinsville,  
CC: Glen Andrew Hall, Esquire. Clerk will be forwarded the Read Receipt / Return Receipt from Glen Andrew Hall to confirm receipt of Motion.

I am Roberta Hill, Brian's mother. I am filing this Motion for Judgment of Acquittal or New Trial based upon new evidence... through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well and the certificate of service is in the PDF file of this filing. This email is also being sent to the Respondents to serve them a copy of this pleading, and may also be faxed as well by Brian D. Hill in the event that email may fail. Also See **Video Testimony of Brian David Hill on January 5, 2022 2nd Iteration - YouTube** (Declaration under oath) - <https://www.youtube.com/watch?v=5PMaIR45MS0> which will be filed in Federal and State Courts against Glen Andrew Hall and against the Martinsville Police. This video will be filed in

the Court of Appeals of Virginia requesting a Writ of Actual Innocence, my son is persistent and will not stop until he is acquitted of his charge.

To Clerk: Please confirm by read receipt or response message confirming that you have received this. There is a lot of evidence that the Hon. Giles Carter Greer must review to understand that my son is legally innocent and is entitled to acquittal. Thank You!

Those emailed by CC are not parties to the case but are interested in watching the case and it's filings with the Clerk's Office. My son is pushing for investigations right now. That is all he is willing to say. It also gives multiple witnesses to the receipt of the filings, as a protection mechanism.

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Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

Motion for Judgment of Acquittal, case no. CR19000009-00, Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

## ER Hamilton

---

**From:** Ashby Pritchett <apritchett@vacourts.gov>  
**Sent:** Saturday, February 12, 2022 11:19 PM  
**To:** ER Hamilton  
**Subject:** FW: Martinsville Circuit Court, New Medical Evidence for New Trial or Judgment of Acquittal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

**Importance:** High

**Caution:** This email originated from outside of the City of Martinsville VA. **Do not** click links or open attachments unless you recognize the sender and know the content is safe.

**From:** Roberta Hill <rbhill67@justiceforuswgo.nl>  
**Sent:** Friday, February 11, 2022 4:54 PM  
**To:** Ashby Pritchett <apritchett@vacourts.gov>; Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>; Hon. Ashby R. Pritchett, Clerk of the Court <APritchett@courts.state.va.us>; Jason S. Miyares, Esq. <miloag@oag.state.va.us>; nsherman@ci.martinsville.va.us; jnunn@ci.martinsville.va.us  
**Cc:** Tracy Beanz <tracy@uncoverdc.com>; kenstella@comcast.net  
**Subject:** Martinsville Circuit Court, New Medical Evidence for New Trial or Judgment of Acquittal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

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### EXTERNAL EMAIL

THIS MESSAGE ORIGINATED FROM AN EXTERNAL ADDRESS. USE CAUTION CLICKING ON ANY LINKS OR DOWNLOADING ANY ATTACHMENTS

---

Hey Clerk of Circuit Court for the City of Martinsville,  
CC: Glen Andrew Hall, Esquire. Note: Clerk will be forwarded the Read Receipt / Return Receipt from Glen Andrew Hall to confirm receipt of Motion.

I am Roberta Hill, Brian's mother. I am filing this New Medical Evidence in support of Brian David Hill's Motion for Judgment of Acquittal or New Trial based upon new evidence... through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well (their email should be included as [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us)) and the certificate of service is in the PDF file of this filing. This email is also being sent to the Respondent(s) to serve them a copy of this pleading, and may also be faxed as well by Brian D. Hill in the event that email may fail.

Medical records and the evidence pleading is too much for email, so here is a direct link to the pleading needing to be filed with the Court. It is a private link due to the personal medical information.

<https://justiceforuswgo.files.wordpress.com/2022/02/new-medical-evidence-support-new-trial-2-11-2022.pdf>

## **LINK WITH PLEADING TO BE FILED:**

**<https://justiceforuswgo.files.wordpress.com/2022/02/new-medical-evidence-support-new-trial-2-11-2022.pdf>**

To Clerk: Please confirm by read receipt or send a response message confirming that you have received this. There is a lot of evidence that the Hon. Giles Carter Greer must review to understand that my son is legally innocent and is entitled to acquittal. Thank You!

This is the new medical evidence my son is to filing due to the receipt of medical records from the Martinsville Sheriff's Office proving medical neglect, this is good enough to warrant an evidentiary hearing or acquittal.

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Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

New Medical Evidence in support of Motion for Judgment of Acquittal, case no. CR19000009-00,  
Circuit Court for the City of Martinsville  
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:  
Brian David Hill  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Thanks,  
Roberta

## ER Hamilton

---

**From:** Ashby Pritchett <apritchett@vacourts.gov>  
**Sent:** Thursday, February 17, 2022 10:36 AM  
**To:** ER Hamilton  
**Subject:** FW: Martinsville Circuit Court, New Medical Evidence for New Trial or Judgment of Acquittal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

**Importance:** High

**Caution:** This email originated from outside of the City of Martinsville VA. **Do not** click links or open attachments unless you recognize the sender and know the content is safe.

Erika,  
Mr. Hill is "rebranding" his earlier motion to get it again before Judge Greer.  
Use the same process to get it into CCMS and CMS and notify Margie.  
Thanks.  
Ashby

**From:** Roberta Hill <rbhill67@justiceforuswgo.nl>  
**Sent:** Friday, February 11, 2022 6:53 PM  
**To:** rbhill67@comcast.net  
**Cc:** Ashby Pritchett <apritchett@vacourts.gov>; Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>; Hon. Ashby R. Pritchett, Clerk of the Court <APritchett@courts.state.va.us>; Jason S. Miyares, Esq. <miloag@oag.state.va.us>; nsherman@ci.martinsville.va.us; jnunn@ci.martinsville.va.us; Tracy Beanz <tracy@uncoverdc.com>; kenstella@comcast.net; rbhill67@comcast.net  
**Subject:** Re: Martinsville Circuit Court, New Medical Evidence for New Trial or Judgment of Acquittal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

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### EXTERNAL EMAIL

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Corrected new medical evidence to reflect the date of today.

My son will have me file a letter to the Judge explaining that he is correcting the issues by removing all mentions of "writ of actual innocence" and is refiling the motion so that it is not construed as a petition. Since the evidence was filed in support of the construed petition for the writ of actual innocence, he may have to refile the evidence in support of this corrected new motion asking for a new jury trial or judgment of acquittal. It mentions nothing about "writ of actual innocence".

Corrected link: <https://justiceforuswgo.files.wordpress.com/2022/02/new-medical-evidence-support-new-trial-2-11-2022corrected.pdf>

Here is the corrected link. Sorry

The Clerk can file the document at the link above and two more pieces of evidence except the one memorandum will not be refiled because of the amended version. So the amended version will be refiled in support of the motion for new trial or judgment of acquittal. My son is ready for a new trial.

On 2022-02-11 16:54, Roberta Hill wrote:

Hey Clerk of Circuit Court for the City of Martinsville,  
CC: Glen Andrew Hall, Esquire. Note: Clerk will be forwarded the Read Receipt / Return Receipt from Glen Andrew Hall to confirm receipt of Motion.

I am Roberta Hill, Brian's mother. I am filing this New Medical Evidence in support of Brian David Hill's Motion for Judgment of Acquittal or New Trial based upon new evidence... through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well (their email should be included as [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us)) and the certificate of service is in the PDF file of this filing. This email is also being sent to the Respondent(s) to serve them a copy of this pleading, and may also be faxed as well by Brian D. Hill in the event that email may fail.

Medical records and the evidence pleading is too much for email, so here is a direct link to the pleading needing to be filed with the Court. It is a private link due to the personal medical information.  
<https://justiceforuswgo.files.wordpress.com/2022/02/new-medical-evidence-support-new-trial-2-11-2022.pdf>

LINK WITH PLEADING TO BE FILED:

<https://justiceforuswgo.files.wordpress.com/2022/02/new-medical-evidence-support-new-trial-2-11-2022.pdf>

To Clerk: Please confirm by read receipt or send a response message confirming that you have received this. There is a lot of evidence that the Hon. Giles Carter Greer must review to understand that my son is legally innocent and is entitled to acquittal. Thank You!

This is the new medical evidence my son is to filing due to the receipt of medical records from the Martinsville Sheriff's Office proving medical neglect, this is good enough to warrant an evidentiary hearing or acquittal.

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Roberta Hill (representative for electronic filing)  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

New Medical Evidence in support of Motion for Judgment of Acquittal,  
case no. CR19000009-00, Circuit Court for the City of Martinsville

Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:

Brian David Hill

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Thanks,

Roberta

## ER Hamilton

---

**From:** Ashby Pritchett <apritchett@vacourts.gov>  
**Sent:** Thursday, February 17, 2022 10:46 AM  
**To:** ER Hamilton  
**Subject:** RE: Martinsville Circuit Court, Last Minute Evidence for New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

Caution: This email originated from outside of the City of Martinsville VA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Did this one have a link to it?

-----Original Message-----

**From:** ER Hamilton <EHAMILTON@ci.martinsville.va.us>  
**Sent:** Thursday, February 17, 2022 10:42 AM  
**To:** Ashby Pritchett <apritchett@vacourts.gov>  
**Subject:** RE: Martinsville Circuit Court, Last Minute Evidence for New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

Should there be some attachments?

Erika

E. R. Hamilton,  
Certified Master Deputy Clerk  
Martinsville Circuit Court Clerk's Office Civil/Probate Divisions  
T: 276-403-5252  
F: 276-403-5232  
EM: ehamilton@ci.martinsville.va.us

-----Original Message-----

**From:** Ashby Pritchett <apritchett@vacourts.gov>  
**Sent:** Thursday, February 17, 2022 10:40 AM  
**To:** ER Hamilton <EHAMILTON@ci.martinsville.va.us>  
**Subject:** FW: Martinsville Circuit Court, Last Minute Evidence for New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill  
**Importance:** High

Caution: This email originated from outside of the City of Martinsville VA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

-----Original Message-----

**From:** Roberta Hill <rbhill67@justiceforuswgo.nl>  
**Sent:** Monday, February 14, 2022 4:42 PM

To: Hon. Ashby R. Pritchett, Clerk of the Court <APritchett@courts.state.va.us>; Ashby Pritchett  
<apritchett@vacourts.gov>

Subject: Re: Martinsville Circuit Court, Last Minute Evidence for New Trial, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

Importance: High

EXTERNAL EMAIL

THIS MESSAGE ORIGINATED FROM AN EXTERNAL ADDRESS. USE CAUTION CLICKING ON ANY LINKS OR DOWNLOADING ANY ATTACHMENTS

Thank you for filing the following:

1. Modified corrected Motion for Judgment of Acquittal or New Trial 2. New Medical Evidence 3. Amended Evidence 4. Last Minute Evidence 5. Letter to Judge Greer

in case no. CR19000009-00.

Sorry for having to correct the evidence filings and having to re-file it but my son wanted to make sure that it all supports the new motion since the other motion was construed erroneously as a petition for writ of actual innocence.

Thanks,  
Roberta Hill

On 2022-02-11 19:47, Roberta Hill wrote:

> Hey Clerk of Circuit Court for the City of Martinsville,  
> CC: Glen Andrew Hall, Esquire. Note: Clerk will be forwarded the Read  
> Receipt / Return Receipt from Glen Andrew Hall to confirm receipt of  
> Motion.  
>  
> NOTE: Glen Andrew Hall, this is the last evidence. Now that the  
> medical records have been reviewed and also prove that my son was  
> medically neglected and the Martinsville City Jail refused to have a  
> physician examine my son as ordered by the Hospital, my son was not  
> medically cleared, your officer Robert Jones lied to the Court. My son  
> was not medically cleared. I reviewed over the medical records with my  
> son. The jail did not follow the recommendations and orders of the  
> Hospital. They did whatever they wanted, they refused to drug test my  
> son. Your case is out of bounds here. My son was not cleared at all,  
> and your City Jail just proved medical neglect and that they didn't do  
> what the discharge papers had said.  
>  
> I am Roberta Hill, Brian's mother. I am filing this Last Minute  
> Evidence in support of Brian David Hill's Motion for Judgment of  
> Acquittal or a New Trial based upon new evidence... through email to  
> you on Brian's behalf due to his federal probation conditions where he  
> is not allowed to use the internet. He is having me file this pleading  
> on his behalf. My son is having me to serve the respondents through  
> email as well (their email should be included as  
> ahall@ci.martinsville.va.us) and the certificate of service is in the  
> PDF file of this filing. This email is also being sent to the

> Respondent(s) to serve them a copy of this pleading, and may also be  
> faxed as well by Brian D. Hill in the event that email may fail.  
>  
> To Clerk: Please confirm by read receipt or send a response message  
> confirming that you have received this. There is a lot of evidence  
> that the Hon. Giles Carter Greer must review to understand that my son  
> is legally innocent and is entitled to acquittal. Thank You!  
>  
> This is the last minute evidence my son is to filing due to the  
> request of Stella Forinash the witness and believes this is good  
> enough to warrant an evidentiary hearing or acquittal.  
>  
> Those emailed by CC are not parties to the case but are interested in  
> watching the case and it's filings with the Clerk's Office. My son is  
> pushing for investigations right now. That is all he is willing to  
> say. It also gives multiple witnesses to the receipt of the filings,  
> as a protection mechanism.  
>  
> Note: If you see any criminal activity or corruption going on in the  
> Legal System or in Government, please report these tips to Project  
> Veritas at VeritasTips@protonmail.com, or go to Project Veritas  
> website.  
>  
> Roberta Hill (representative for electronic filing)  
> 310 Forest Street, Apartment 1  
> Martinsville, Virginia 24112  
>  
> Last Minute Evidence in support of Motion for Judgment of Acquittal  
> or New Trial, case no. CR19000009-00, Circuit Court for the City of  
> Martinsville Commonwealth of Virginia, City of Martinsville v. Brian  
> David Hill  
>  
> Defendant:  
> Brian David Hill  
> 310 Forest Street, Apartment 2  
> Martinsville, Virginia 24112  
>  
> Thanks,  
> Roberta

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.

ORDER

Case No. CR19000009-00

BRIAN DAVID HILL

UPON CONSIDERATION of the defendant's Motion for Writ of Error Coram Vobis, it  
is ORDERED that said motion is hereby DENIED.

ENTER: This 10<sup>th</sup> day of April, 2020.

A handwritten signature in black ink, appearing to read "D. W. Hill", is written over a horizontal line.

Judge

Endorsement is dispensed with – Rule 1:13

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.

ORDER

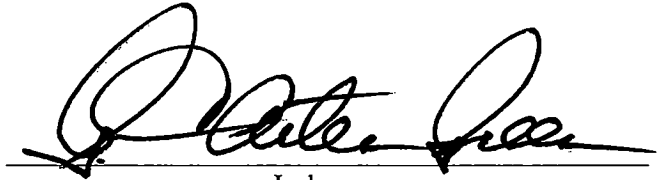
Case No. CR19000009-00

BRIAN DAVID HILL

UPON CONSIDERATION of the defendant's Motion for Waiving Legal Fees or Not

Enforcing Them, it is ORDERED that said motion is hereby DENIED.

ENTER: This 10<sup>th</sup> day of April, 2020.

  
Judge

Endorsement is dispensed with – Rule 1:13

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.

ORDER

Case No. CR19000009-00

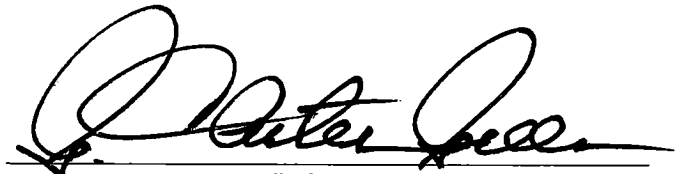
BRIAN DAVID HILL

CL20000089-00

CL19000331-00

UPON CONSIDERATION of the defendant's Motion to Disqualify the Honorable Giles Carter Greer from any Further Participation in the Case(s), it is ORDERED that said motion is hereby DENIED.

ENTER: This 10<sup>th</sup> day of April, 2020.

A handwritten signature in black ink, appearing to read "Carter Greer", is written over a horizontal line.

Judge

Endorsement is dispensed with – Rule 1:13

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

**Letter to Clerk of the Martinsville Circuit Court regarding waiver of  
Service of Process, to send waiver to Supreme Court of Virginia**

Case #: CR19000009-00

Friday, April 10, 2020

ATTN: The Honorable Ashby R. Pritchett, Clerk of the Martinsville Circuit Court  
email: APritchett@vacourts.gov  
Phone: (276) 403-5106  
Fax: (276) 403-5232  
P. O. Box 1206  
55 W. Church Street  
Martinsville, VA 24114-1206  
P. O. Box 1347 (Judges)

Dear Hon. Ashby R. Pritchett,

I was told by the Clerk of the Supreme Court of Virginia that despite me being in forma pauperis and not having a lot of money in the month as shown in my federal and state affidavits for my Writ of Mandamus, all I am trying to do is protect my SSI benefits. I was told by the Clerk of the Supreme Court of Virginia that despite me being unable to afford the filing fees, and your aware that my mother Roberta Hill had voluntarily out of the kindness of her heart had paid the filings fees for my filed Habeas Corpus petition and the Writ of Error Coram Vobis. It never came out of my money. I cannot afford private process servers and neither can I afford the fees to serve all parties. **This mandamus was never against you or anything, it is only to get the Courts to rule that my Social Security SSI money cannot be garnished to pay the criminal case legal fees. I need what is left of this money of what little I have left after my expenses for my day to day living and what is left is used for fighting my other cases including my federal appeals including the Supervised Release Revocation.**

So I ask of you, I beg of you to fill out this application form to waive the requirement of service of process since you already had received a true and correct copy of my Writ of Mandamus addressed to the Hon. Ashby R. Pritchett.

I filled out the top information about the Court and the case name and case number. All you have to do is fill out the rest, sign your name, and you can digitally send it to the Supreme Court Clerk's office waiving summons requirement for you as respondent. Again, the only reason your name is listed in that Mandamus is because in the copy of me being ordered to pay the criminal case legal fees, your name Ashby R.



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Pritchett was on that order, so the Judge alone may not suffice for the Mandamus relief. None of it is against you, my only interest in this Writ of Mandamus is to protect my SSI benefits from being garnished by any legal process. Other states declared it unlawful under case law but Virginia so far does not have case law precedent on this yet. My case may be the first to set precedent, or if Virginia's case law conflicts with the Supreme Court and the other circuit in a different state, I have a high chance of getting my legal fees waived in my criminal case my order of the United States Supreme Court.

Please I beg of you, since I don't have the money to pay a private process server for every single respondent and respondents in the list of my other Writ of Mandamus for my motion to proceed pro se in the Court of Appeals, please I beg of you to sign this form notifying the Supreme Court of Virginia that you are waiving the service of process since you had received a copy already with fax and have filed it on docket for my case(s) verifying that the Clerk's Office of this Circuit Court did receive a copy of my Writ of Mandamus.

Also I ask of you to request that Judge Greer waive service of process as well. Two forms are attached, so one form for the Clerk and the other for the Judge. Please I beg of you to only waive the requirement that I have to pay a private process server or deputy sheriff for serving you a copy of my filed Writ of Mandamus under case no. 200482.

Please, I have Autism, I hope there is still empathy in this Court. I have suffered enough under carbon monoxide and ineffective counsel. I don't need to continually have to pay over and over again for a crime that I am innocent of according to West Virginia Mayor of Clarksburg, named Ryan Edward Kennedy, an attorney who argued that I was innocent of indecent exposure that I was charged under in General District Court and was moved to this Circuit Court. I have suffered for too long, so many miscarriages of justice. I need a reprieve, I need a break from the madness. Please help me.

Please I beg of you, to simply waive the requirement that I serve process with you.  
Where We Go One, We Go All!

Thank you for your time, service, and attention to this matter. God bless you.

Thank You,  
Brian D. Hill



Former news reporter of USWGO Alternative News  
310 Forest Street, Apt. 2 Martinsville, Virginia 24112  
(276) 790-3505

*Brian D. Hill*  
signed



*Please protect my SSI*



**ACCEPTANCE/WAIVER OF SERVICE OF PROCESS AND  
WAIVER OF FUTURE SERVICE OF PROCESS  
AND NOTICE**

Case No. 200482

COMMONWEALTH OF VIRGINIA VA. CODE §§ 8.01-327; 20-99.1:1; Rules 3:5, 3:8

Supreme Court of Virginia, 100 N 9th St, Richmond, VA 23219, Fax: (804) 786-6249 Supreme Court

Brian David Hill, Petitioner

PLAINTIFF

v.

IN RE:

DEFENDANT

I, the undersigned party named below, swear under oath/affirm the following:

1. I am a party ☐ plaintiff ☐ defendant in the above-styled suit.
2. I have received a copy of the following documents on this date:

☐ Complaint☐ filed on \_\_\_\_\_, attached

DATE

☐ pre-filing copy pursuant to Va. Code § 20-99.1:1(A), attached☐ Summons with copy of Complaint filed on \_\_\_\_\_, attached

DATE

☐ Other – Describe: \_\_\_\_\_ filed on \_\_\_\_\_

DATE

I understand that my receipt of these copies and my signature below constitute

☐ the acceptance of service of process of these copies, or☐ a waiver of service of process and notice which may be prescribed by law.

3. I agree to voluntarily and freely waive any future service of process and notice as checked below in this case:

☐ a. the 21-day time period for filing a responsive pleading.☐ b. any further service of process.☐ c. notice of the appointment of a commissioner in chancery and hearings held by such commissioner in chancery, if a commissioner in chancery is appointed.☐ d. notice of the taking of depositions.☐ e. notice of the filing of any reports by a commissioner in chancery of the filing of depositions.☐ f. notice of testimony to be given orally in open court.☐ g. notice of entry of any order, judgment or decree, including the final decree of divorce.

I understand that, by waiving service of process and notice, I am giving up my right to be notified of the events where indicated above.

DATE

☐ DEFENDANT☐ PLAINTIFF**TO DEFENDANT:** Notify the Court in writing of any changes of your address while this case is pending.State/Commonwealth of \_\_\_\_\_, ☐ City ☐ County of \_\_\_\_\_

Subscribed and sworn to/affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

by \_\_\_\_\_

PRINT NAME OF AFFIANT

DATE

☐ CLERK ☐ DEPUTY CLERK☐ NOTARY PUBLIC (My commission expires \_\_\_\_\_)

Registration No. \_\_\_\_\_

ACCEPTANCE/WAIVER OF SERVICE OF PROCESS AND  
WAIVER OF FUTURE SERVICE OF PROCESS  
AND NOTICE

Case No. 200482

COMMONWEALTH OF VIRGINIA VA. CODE §§ 8.01-327; 20-99.1:1; Rules 3:5, 3:8

Supreme Court of Virginia, 100 N 9th St, Richmond, VA 23219, Fax: (804) 786-6249 Supreme Court

Brian David Hill, Petitioner v. IN RE:  
PLAINTIFF DEFENDANT

I, the undersigned party named below, swear under oath/affirm the following:  
1. I am a party ☐ plaintiff ☐ defendant in the above-styled suit.  
2. I have received a copy of the following documents on this date:  
☐ Complaint  
☐ filed on \_\_\_\_\_, attached  
☐ pre-filing copy pursuant to Va. Code § 20-99.1:1(A), attached  
☐ Summons with copy of Complaint filed on \_\_\_\_\_, attached  
☐ Other – Describe: \_\_\_\_\_ filed on \_\_\_\_\_, attached  
DATE DATE

I understand that my receipt of these copies and my signature below constitute  
☐ the acceptance of service of process of these copies, or  
☐ a waiver of service of process and notice which may be prescribed by law.  
3. I agree to voluntarily and freely waive any future service of process and notice as checked below in this case:  
☐ a. the 21-day time period for filing a responsive pleading.  
☐ b. any further service of process.  
☐ c. notice of the appointment of a commissioner in chancery and hearings held by such commissioner in chancery, if a commissioner in chancery is appointed.  
☐ d. notice of the taking of depositions.  
☐ e. notice of the filing of any reports by a commissioner in chancery of the filing of depositions.  
☐ f. notice of testimony to be given orally in open court.  
☐ g. notice of entry of any order, judgment or decree, including the final decree of divorce.  
I understand that, by waiving service of process and notice, I am giving up my right to be notified of the events where indicated above.

DATE \_\_\_\_\_  
FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
TO DEFENDANT: Notify the Court in writing of any changes of your address while this case is pending.  
State/Commonwealth of \_\_\_\_\_, ☐ City ☐ County of \_\_\_\_\_  
Subscribed and sworn to/affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
by \_\_\_\_\_ TESTE: *GR Hamilton*  
PRINT NAME OF AFFIANT CLERK/DEPUTY CLERK

DATE \_\_\_\_\_  
☐ CLERK ☐ DEPUTY CLERK  
☐ NOTARY PUBLIC (My commission expires \_\_\_\_\_)  
Registration No. \_\_\_\_\_

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

v.

**BRIAN DAVID HILL,**  
**Defendant,**

\_\_\_\_\_

)  
 )  
 ) **Criminal Action No. CR19000009-00**  
 ) **Civil Action No. CL20000089-00**  
 ) **Civil Action No. CL19000331-00**  
 )  
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 )

**NOTICE OF APPEAL****NOTICE OF APPEAL**

Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See Order, Date: 04/10/2020, Type: ORDER, Party: TTM, Judge: GCG, Remarks: DENIAL - MOT TO DISQUALIFY) denying Brian D. Hill's "MOTION TO DISQUALIFY THE HON. GILES CARTER GREER FROM ANY FURTHER PARTICIPATION IN THE CASE(S)" entered in this action on the 10th day of April, 2020.

\_\_\_\_\_  
 \*Appellee in the case would be the Commonwealth Attorney of Martinsville, Virginia, Glen Andrew Hall, Esq. Accidently said Appellant in other Notice of Appeal. Clerical mistake.  
 \_\_\_\_\_

**First Amendment protected Opinion:** The judicial corruption has gotten so out of control inside of the United States of America (the USSA, the United Soviet States of America) in almost all courts, people get nowhere like hamsters on a wheel. It doesn't matter what evidence is submitted/filed, doesn't matter what



witnesses testify or are offered, doesn't matter what the law is or how a higher court had ever interpreted the law. Courts have become slave outfitters, enslaving every single one of us American citizens. Prisons and Jails are SLAVE CAMPS, designed to take away the knowledge and productivity of people and placing them in the system to be a perpetuating crime committer. Make it easy to face a probation violation on any little thing, no matter how insignificant, making it a revolving door to prison and further slavery. Slavery has been allowed for the criminal injustice system, for now. The targets for this slavery under the system happens to be poor folks, the mentally and physically disabled, the elderly and the weak, and lower middle class. The Courts these days freely and openly encourage slavery of the poor folks which are a very large portion of the masses. They expect and demand that people pay for lawyers when it is the lawyers who are selling out the United States, betraying their clients and selling them out for money and power, and misrepresenting facts, lying, cheating, and stealing. They allowed the Central Intelligence Agency to get away with the Pedophile rings, blackmail operations, Drug Cartels including MS-13, and all kinds of criminal behaviors by those in authority underground, in the tunnels. Donald Trump said that there is light at the end of the tunnel.

Donald John Trump was elected not just to get rid of the corruption within our Federal Courts, corruption in Congress, and the corruption within all Federal Agencies including but not limited to the State Department. DJT also made the popular campaign slogan of "Drain the Swamp" as the corruption within the State Courts, State Legislature, State Agencies, Municipalities, and other corruption in public body-politic institutions and public corporations within every state will be held accountable for their crimes. God cries with every miscarriage of justice, every evil being perpetuated against the poor and fatherless by those in authority.

What Martinsville has done is to enslave a mentally/physically disabled person who is INNOCENT OF HIS CRIME, and not care about the evidence and not care about the lies that Glen Andrew Hall or any other corrupt lawyer tells. They don't care about the laws, they don't even care about anybody but themselves, it is a lack of empathy, which will lead society to RUIN, America will become a third world country under corrupt Courts and corrupt Judges. QAnon followers understand how bad our authorities have gotten. They understand the very big problem of the blackmail or Bribery of politicians and Judges and Prosecutors under Jeffrey Epstein, George Soros and other CIA/Deep-State sanctioned blackmailers and black-ops. The Deep State sanctioned blackmailers and bribers. They can threaten/bribe any politician behind the scenes to be nothing more than a puppet, but we the American people see through it all, like the Wizard of Oz movie with the Man hiding behind the Curtin pretending to be some powerful



projection like some kind of deity. If the Deep State is controlling Giles Carter Greer, and other powerful people in Virginia, if the Deep State is behind Brian's wrongful conviction in this State, then QAnon, the Department of Justice once the corruption is cleaned out, and Donald John Trump will pardon Brian David Hill and he will be acquitted even of his state charge and conviction. Brian will be acquitted of everything as it is all unconstitutional what has happened to Brian David Hill of USWGO Alternative News, and there is nothing that these corrupt State Judges can do about it once good Governors and good legislators get elected and the pardons of innocence can issue. God and Jesus is more powerful than man, we shall not continually be slaves to a Satanic Global Order. We will be free like the enslaved Jews in the Bible, we will be free, we will be acquitted, and it will be done legally and lawfully under the Rule of Law. I hope that Giles Carter Greer is not a Deep State Puppet, but he probably is the way he acts in every part of Brian's criminal case. The CIA Headquarters is in Langley, Virginia, so the CIA has a stranglehold of Virginia and its governing bodies. QAnon is dismantling the corrupt CIA behind the scenes if what they are saying is indeed the truth, they will go to prison for their crimes against humanity. I am sure that Glen Andrew Hall may likely be another George Soros funded prosecutor or simply a Deep State operative, who knows. They are NOT gods, they are not even to be considered as demi-gods. The people are victims of the Deep State Swamp.

The Bible says under Psalms, that these elite and corrupt politicians eventually will fall like one of the princes.

Psalms 82

New King James Version

A Plea for Justice

A Psalm of Asaph.

1 God stands in the congregation of [a]the mighty;

He judges among the [b]gods.

2 How long will you judge unjustly,

And show partiality to the wicked? Selah

3 [c]Defend the poor and fatherless;

Do justice to the afflicted and needy.

4 Deliver the poor and needy;



Free them from the hand of the wicked.

5 They do not know, nor do they understand;

They walk about in darkness;

All the foundations of the earth are [d]unstable.

6 I said, "You are [e]gods,

And all of you are children of the Most High.

7 But you shall die like men,

And fall like one of the princes."

8 Arise, O God, judge the earth;

For You shall inherit all nations.

Footnotes:

Psalm 82:1 Heb. El, lit. God

Psalm 82:1 Judges; Heb. elohim, lit. mighty ones or gods

Psalm 82:3 Vindicate

Psalm 82:5 moved

Psalm 82:6 Judges; Heb. elohim, lit. mighty ones or gods

King James 2000

A Psalm of Asaph.

A Plea For God's Deliverance

1 God stands in the congregation of the mighty; he judges among the gods.

2 How long will you judge unjustly, and accept the persons of the wicked? Selah.

3 Defend the poor and fatherless: do justice to the afflicted and needy.

4 Deliver the poor and needy: rid them out of the hand of the wicked.

5 They know not, neither will they understand; they walk on in darkness: all the foundations of the earth are out of course.

6 I have said, You are gods; and all of you are children of the most High.

7 But you shall die like men, and fall like one of the princes.



8 Arise, O God, judge the earth: for you shall inherit all nations.

MARTINSVILLE is trying to enslave Brian David Hill forever. Just like the Federal Courts. The slavery is wrong and cannot continue as God will not continually turn a blind eye to each and every miscarriage of justice like it is a normal everyday occurrence.

I ask God and Jesus, to help guide me throughout this corrupt system, corrupt Government, corrupt Police, Dirty Cops, and allow me to ask the powerful to, LET MY PEOPLE GO, as Moses said to the Pharaoh of Egypt. Let my people go!!!!!!

Even Romans 13 has been misinterpreted, it is not defending an all-powerful tyrannical Government, but actually says that "For rulers are not a terror to good works, but to the evil." So a Government must not be a terror to good works but only to the evil. Those who do evil deeds must be punished. When somebody is legally innocent and had a good reason for what happened, the evidence should be considered instead of being ignored.

Romans 13 King James Version (KJV)

**13** Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God.

<sup>2</sup>Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation.

<sup>3</sup>For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same:

<sup>4</sup>For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil.

<sup>5</sup>Wherefore ye must needs be subject, not only for wrath, but also for conscience sake.

<sup>6</sup>For for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing.

<sup>7</sup>Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour.



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

<sup>9</sup>Owe no man any thing, but to love one another: for he that loveth another hath fulfilled the law.

<sup>9</sup>For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thyself.

<sup>10</sup>Love worketh no ill to his neighbour: therefore love is the fulfilling of the law.

<sup>11</sup>And that, knowing the time, that now it is high time to awake out of sleep: for now is our salvation nearer than when we believed.

<sup>12</sup>The night is far spent, the day is at hand: let us therefore cast off the works of darkness, and let us put on the armour of light.

<sup>13</sup>Let us walk honestly, as in the day; not in rioting and drunkenness, not in chambering and wantonness, not in strife and envying.

<sup>14</sup>But put ye on the Lord Jesus Christ, and make not provision for the flesh, to fulfil the lusts thereof.

I am a Christian, I am not perfect but I know good verses of the Bible.

Filed with the Honorable Circuit Court of Martinsville, this the 15th day of April, 2020.

Signed,

*Brian D Hill*  
*Signed*

**U.S.W.G.O.**

Brian David Hill – Ally of  
Qanon



Founder of USWGO

Alternative News

310 Forest Street, Apt. 2

Martinsville, Virginia

24112

(276) 790-3505

*Pro Se Appellant***CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of April, 2020, I caused this "NOTICE OF APPEAL" to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney's Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia 24112  
(276) 403-5470  
*Counsel for Plaintiff*

Qanon S.O.S.

Signed,

Brian D. Hill  
*Signed***U.S.W.G.O.**Brian David Hill -- Ally of  
Qanon

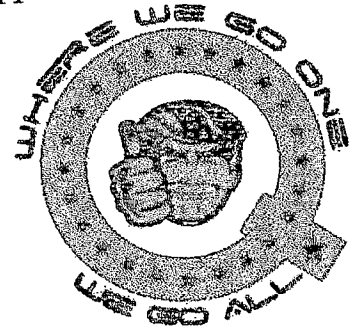
help me Qanon, I'm under attack.  
God Bless You. 7 Protect me Qanon.



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court



Founder of USWGO  
Alternative News  
310 Forest Street, Apt. 2  
Martinsville, Virginia  
24112  
(276) 790-3505

*Pro Se Appellant***U.S.W.G.O.**

Brian D. Hill - Ally of QANON

WWG1WGA - Q-Intel - Drain the Swamp MAGA

→ [JusticeForUSWGO.wordpress.com](https://JusticeForUSWGO.wordpress.com) - INVESTIGATE!

S.O.S. Qanon

Please Protect me Qanon

Save me Qanon



Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 4/15/2020  
Number of pages: 8

Attn.: Glen Andrew Hall, Esq.

Recipient's number: T1-276-403-5478

Filename: C:\ProgramData\Venta\Fax & Voice 6\Out\Notice of Appeal to Giles

File description: Notice of Appeal to Giles Carter Greer on April 15(3)Signed.pdf

Recipient's Fax ID: 12764035478

Rate: 14400 bps

Time: 3:12:08 AM

Session duration: 10:03

To: Commonwealth Attorney

Message type: Fax

Error Correction: Noril 15(3)Signed 2020-04-15

Resolution: 200\*200 dpi

Record number: 8198

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 04/15/2020 @10:29:42

TESTE: GR Hamilton  
CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
Plaintiff,

v.

BRIAN DAVID HILL,  
Defendant,

Criminal Action No. CR19000009-00  
Civil Action No. CL20000089-00  
Civil Action No. CL19000331-00

NOTICE OF APPEAL

### NOTICE OF APPEAL

Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See Order, Date: 04/10/2020, Type: ORDER, Party: TIM, Judge: GCG, Remarks: DENIAL - MOT TO DISQUALIFY) denying Brian D. Hill's "MOTION TO DISQUALIFY THE HON. GILES CARTER GREER FROM ANY FURTHER PARTICIPATION IN THE CASE(S)" entered in this action on the 10th day of April, 2020.

\*Appellee in the case would be the Commonwealth Attorney of Martinsville, Virginia, Glen Andrew Hall, Esq. Accidently said Appellant in other Notice of Appeal. Clerical mistake.

First Amendment protected Opinion: The judicial corruption has gotten so out of control inside of the United States of America (the USSA, the United Soviet States of America) in almost all courts, people get nowhere like hamsters on a wheel. It doesn't matter what evidence is submitted/filed, doesn't matter what

## **VIRGINIA:**

*In the Court of Appeals of Virginia on Thursday the 16th day of April, 2020.*

Brian David Hill,

Appellant,

against

Record No. 0129-20-3 (Appeal of November 25, 2019 order)  
Circuit Court No. CR19000009-00

Commonwealth of Virginia,

Appellee.

From the Circuit Court of the City of Martinsville

On February 5, 2020, came Brian David Hill, in proper person, and filed a motion requesting that the Court appoint new counsel to represent him on this appeal.

Upon consideration whereof, the Court hereby relieves Matthew S. T. Clark, Esquire, as court-appointed counsel for the appellant and appoints John I. Jones, IV, Esquire, in his place and stead to represent the appellant on the further proceedings in this appeal. The trial court is directed to award Matthew S. T. Clark, Esquire a fee of \$100 for services rendered the appellant on this appeal, in addition to his costs and necessary direct out of pocket expenses.

On March 9, 2020, came again the appellant, in proper person, and filed a request praying that the Court relieve counsel and allow him to proceed pro se, without the assistance of counsel, and a request praying that the Court award sanctions against the Assistant Commonwealth's Attorney for the City of Martinsville.

Upon consideration whereof, these said requests hereby are denied.

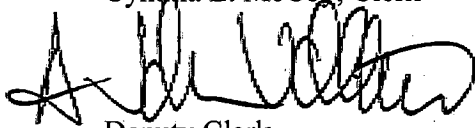
The petition for appeal in this case shall be due to be filed by May 26, 2020.

A Copy,

Teste:

By:

Cynthia L. McCoy, Clerk

  
Deputy Clerk

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 04/20/2020 @16:11:02

TESTE:   
CLERK/DEPUTY CLERK

## **VIRGINIA:**

*In the Court of Appeals of Virginia on Thursday the 16th day of April, 2020.*

Brian David Hill,

Appellant,

against

Record No. 0128-20-3 (Appeal of November 18, 2019 order)  
Circuit Court No. CR19000009-00

Commonwealth of Virginia,

Appellee.

From the Circuit Court of the City of Martinsville

On February 5, 2020, came Brian David Hill, in proper person, and filed a motion requesting that the Court appoint new counsel to represent him on this appeal.

Upon consideration whereof, the Court hereby relieves Matthew S. T. Clark, Esquire, as court-appointed counsel for the appellant and appoints John I. Jones, IV, Esquire, in his place and stead to represent the appellant on the further proceedings in this appeal. The trial court is directed to award Matthew S. T. Clark, Esquire a fee of \$100 for services rendered the appellant on this appeal, in addition to his costs and necessary direct out-of-pocket expenses.

On March 9, 2020, came again the appellant, in proper person, and filed a request praying that the Court relieve counsel and allow him to proceed *pro se*, without the assistance of counsel, and a request praying that the Court award sanctions against the Assistant Commonwealth's Attorney for the City of Martinsville.

Upon consideration whereof, these said requests hereby are denied.

The petition for appeal in this case shall be due to be filed by May 26, 2020.

A Copy,

Teste:

By:

Cynthia L. McCoy, Clerk

Deputy Clerk

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 04/20/2020 @16:10:51

TESTE:   
CLERK/DEPUTY CLERK

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

## VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

\_\_\_\_\_  
**COMMONWEALTH OF VIRGINIA,**  
**Plaintiff,**

v.

**BRIAN DAVID HILL,**  
**Defendant,**

)  
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 ) **Criminal Action No. CR19000009-00**  
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 ) **Civil Action No. CL19000331-00**  
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**NOTICE OF APPEAL****NOTICE OF APPEAL**

Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See Order, Date: 04/10/2020, Type: ORDER, Party: TTM, Judge: GCG, Remarks: DENIED DEF WRIT ERROR CV) denying Brian D. Hill's "MOTION FOR WRIT OF ERROR CORAM VOBIS" entered in this action on the 10th day of April, 2020.

\*Appellee in the case would be the Commonwealth Attorney of Martinsville, Virginia, Glen Andrew Hall, Esq. Accidently said Appellant in other Notice of Appeal. Clerical mistake.

**First Amendment protected Opinion: [CORRUPTIOPN][SLAVERY]**

**DRAIN THE SWAMP...** Martinsville is advocating slavery against the disabled.

91	04/10/2020	ORDER	TTM	GCG
86	04/10/2020	ORDER	TTM	GCG
85	04/10/2020	ORDER	TTM	GCG

DENIED MOT DISQUALIFY GCG
DENIED MOT WAIVE FEES
DENIED DEF WRIT ERROR CV



Three orders of denial in one day, on the same day, sounds to me like [RETALIATION]. This Judge is clearly biased and his rulings make no sense and have no merit. I will appeal every one of them to the U.S. Supreme Court. Donald Trump wins, the corruption will lose.

First of all the Judge should be citing the law, rules, the evidence that was submitted in support of such motion, and case law that the Judge would be relying upon for his decision. So many constitutional errors, structural/legal defects.

The Deep State Swamp will fall, and the puppets will be arrested for their crimes, assuming that the Judge is another puppet/tool of the Deep State.

They are panicking, RATS PANIC IN DC. The Former Acting CIA Director John McLaughlin said over the issue of Impeachment: "Thank God For The Deep State." The corruption will fall, humanity and God will defeat the corruption. They are revealing exactly who they are. The Hon. Giles Carter Greer is showing exactly who he is. It is not about what you know, it is about who you know. They must all know each other, like best buds. The very corruption that Thomas Jefferson and George Washington and Benjamin Franklin had warned about. The answer to 1984 is 1776!!!!!!!!!!!!!! Arrest the corruption to protect he Constitution.

Arrest all of the Deep State Swamp, arrest and indict them all. That is my response to the Judge's decision. Corruption will not prosper but will be impeached and/or indicted. Donald Trump made that clear, we don't want corruption in our Courts anymore. We don't want corruption inside any of our offices of Government anymore. The Judge has clearly broken rules and is getting away with corruption. This Judge violated and continues to violate federal law. He may be guilty of violating other federal laws. The Deep State will be arrested as QAnon brags, the sealed indictments will begin. I am not QAnon, but am an ally of Qanon because I am all for what they stand for, they stand for justice, integrity, honesty, bravery, fidelity. We are about following the laws and the rule of law. Enforce the laws against the corruption that doesn't have to obey our laws.

Respectfully filed with the Circuit Court of Martinsville, this the 21th day of April, 2020.

Signed,

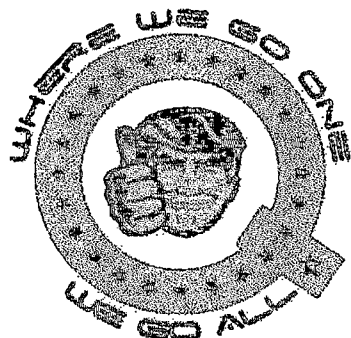
*Brian D. Hill*  
Signed

**U.S.W.G.O.**

Brian David Hill – Ally of  
 Qanon



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court



Founder of USWGO  
Alternative News  
310 Forest Street, Apt. 2  
Martinsville, Virginia  
24112  
(276) 790-3505

*Pro Se Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of April, 2020, I caused this "NOTICE OF APPEAL" to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney's Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia 24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

*Brian D. Hill*  
*Signed*

**U.S.W.G.O.**

Brian David Hill – Ally of  
Qanon



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court



Founder of USWGO

Alternative News

310 Forest Street, Apt. 2

Martinsville, Virginia

24112

(276) 790-3505

*Pro Se Appellant*



FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 04/21/2020 @15:04:04 by fax

TESTE: Jennifer C. Coplein  
CLERK/DEPUTY CLERK



Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 4/21/2020 Time: 1:15:55 PM  
Number of pages: 4 Session duration: 4:51  
Attn.: Glen Andrew Hall, Esq. To: Commonwealth Attorney  
Recipient's number: T1-276-403-5478 Message type: Fax  
Filename: C:\ProgramData\Venta\Fax & Voice 6\Out\Notice of Appeal to Giles Error Correction: Yes I 21(2) Signed {2020-04-21}.tif  
File description: Notice of Appeal to Giles Carter Greer on April 21(2) Signed.pdf Resolution: 200\*200 dpi  
Recipient's Fax ID: 12764035478 Record number: 8209  
Rate: 14400 bps

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b>Criminal Action No. CR19000009-00</b>
<b>Plaintiff,</b>	)	<b>Civil Action No. CL20000089-00</b>
	)	<b>Civil Action No. CL19000331-00</b>
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	<b>NOTICE OF APPEAL</b>
_____	)	
	)	

**NOTICE OF APPEAL**

Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See Order, Date: 04/10/2020, Type: ORDER, Party: TTM, Judge: GCG, Remarks: DENIED DEF WRIT ERROR CV) denying Brian D. Hill's "MOTION FOR WRIT OF ERROR CORAM VOBIS" entered in this action on the 10th day of April, 2020.

\*Appellee in the case would be the Commonwealth Attorney of Martinsville, Virginia, Glen Andrew Hall, Esq. Accidently said Appellant in other Notice of Appeal. Clerical mistake.

**First Amendment protected Opinion: [CORRUPTION][SLAVERY]**

**DRAIN THE SWAMP...** Martinsville is advocating slavery against the disabled.

81	04/10/2020	ORDER	TTM	GCG	DENIED MOT DISQUALIFY GCG
86	04/10/2020	ORDER	TTM	GCG	DENIED MOT WAIVE FEES
85	04/10/2020	ORDER	TTM	GCG	DENIED DEF WRIT ERROR CV



4/22/2020 3:40:36 PM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/1

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

**Letter to Clerk of the Martinsville Circuit Court regarding receipt of one Court order but two other Court Orders have not been received**

Case #: CR19000009-00

Wednesday, April 22, 2020

ATTN: The Honorable Ashby R. Pritchett, Clerk of the Martinsville Circuit Court  
 email: APritchett@vacourts.gov  
 Phone: (276) 403-5106  
 Fax: (276) 403-5232  
 P. O. Box 1206  
 55 W. Church Street  
 Martinsville, VA 24114-1206  
 P. O. Box 1347 (Judges)

Dear Hon. Ashby R. Pritchett,

I had received the order of Judge Greer denying the motion to recuse/disqualify Judge Giles Carter Greer (#91), but I have not yet received the order to waive fees (#86) and I have not received the order denying Writ of Error Coram Vobis (#85).

The orders were all dated April 10, and it is already April 22, and both are not received.

91	04/10/2020	ORDER	TTM	GCG	DENIED MOT DISQUALIFY GCG
86	04/10/2020	ORDER	TTM	GCG	DENIED MOT WAIVE FEES
85	04/10/2020	ORDER	TYM	GCG	DENIED DEF WRIT ERROR CV

Please send me the orders under #86 and #85. I should have received it as my appeals will mean nothing without reading what was in the original orders.

Where We Go One, We Go All!

Thank you for your time, service, and attention to this matter. God bless you.

Thank You,  
 Brian D. Hill



Former news reporter of USWGO Alternative News  
 310 Forest Street, Apt. 2 Martinsville, Virginia 24112  
 (276) 790-3505

*Brian D. Hill*  
 signed



*In God We Trust. Jesus name We Pray Amen*

VIRGINIA  
In City of Martinsville Circuit Court  
Clerk's Office.  
Received and Filed this the  
23<sup>rd</sup> Day of April 2020  
at 9:10 P. M.  
Testa: W. H. P. H. Clerk

# **VIRGINIA:**

*In the Court of Appeals of Virginia on Wednesday the 28th day of October, 2020.*

Brian David Hill,

Petitioner,

against

Commonwealth of Virginia,

Respondent.

From the Circuit Court of the City of Martinsville

Upon consideration of the motion of Brian David Hill, and receiving no objection thereto from the Commonwealth, leave is granted Brian David Hill to file a replacement notice of appeal from the judgment rendered against him by the Circuit Court of the City of Martinsville on November 25, 2019, upon a conviction of misdemeanor indecent exposure (Circuit Court No. CR19000009-00).

All computations of time as required by the Rules of Court and applicable statutes shall commence on the date of entry of this order or, if Hill is entitled to appointed counsel upon this appeal, from the date of entry of the trial court's order appointing counsel, whichever date shall be later.

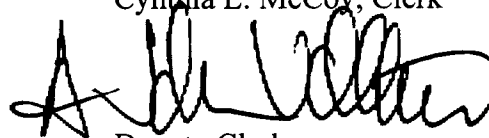
This order shall be certified to the trial court.

A Copy,

Teste:

Cynthia L. McCoy, Clerk

By:

  
Deputy Clerk

798



knowingly discharged a patient when showing symptoms of tachycardia on record for about approximately a full hour and never checked his blood sugar not knowing what his diabetic blood glucose was as there is no evidence in the Sovah Hospital Medical record on September 21, 2018, that Brian's blood sugar was ever checked before Brian David Hill was arrested. This is evidence of MEDICAL NEGLECT, INCOMPETENCE, MAYBE EVEN CORRUPTION, who knows;

2. That Martinsville Police Department failed and refused to open up an envelope full of evidence of carbon monoxide gas poisoning and threatening greeting card and turned it over to the Commonwealth Attorney Glen Andrew Hall, Esq., on August 7, 2019 who also refused to open up the envelope and investigate its contents, turned it over to court appointed lawyer Matthew Clark who never informed Brian David Hill that he had taken possession of the envelope that was signed for by Martinsville Police Chief G. E. Cassady on August 7, 2019;
3. That it is Brian David Hill's right as a citizen of Martinsville to report evidence of a crime or report evidence to an investigator pursuant to a crime investigation, that by refusing to open the envelope when they didn't exactly knew what was in it is dereliction of duty and failure to fulfill the duties of the Office of Martinsville Police Department to investigate the evidence, and any and all evidence mailed to them, phone called to them, or even emailed to them;
4. That Martinsville Police Department and Commonwealth Attorney Glen Andrew Hall prosecuted a case where the elements of guilt, elements of the charge were proven wrong beyond a reasonable doubt. Elements such as Brian David Hill being medically cleared when there was evidence of tachycardia on September 21, 2018, medical record. Two times did it show



results for that similar to Brian's fall and blood pouring out of a part of his head on November 19, 2017. Brian also exhibited tachycardia with sinus tachycardia. On September 21, 2018, Brian reportedly fell into a creek from a steep slope which again exhibits a fall risk. In the creek was where Brian was arrested. Brian showed signs of tachycardia but the Hospital staff did nothing about it. The Hospital staff did not reportedly check his diabetic blood glucose. Brian should not have been medically cleared as it is quite clear that Sovah Hospital of Martinsville, Virginia, had clearly demonstrated incompetence, medical neglect, and did not investigate the known issues of tachycardia and Brian's diabetic glucose prior to discharging him to Police/Jail. They probably knew that Jails have the worst medical care and Jails across the United States have poor medical care. The Hospital refused to complete the laboratory tests which would have proven the levels of Carbon Monoxide Poisoning and likely the Commonwealth Attorney would never had charged him if that evidence had surfaced but instead, they are allowing evidence to be destroyed that clearly would have been in Brian Hill's favor. Usually when the prosecutor of a case lets evidence be repeatedly destroyed, that is spoliation of evidence and is usually a sign of frauds upon the court as it shows that the case was weak from the very beginning. Glen Andrew Hall, Esq. allowed evidence to be destroyed and Matthew Clark allowed evidence to be destroyed, and Scott Albrecht allowed evidence to be destroyed. Then Matthew Clark tells Brian and his family in 2019 that it doesn't matter, that they don't have to do laboratory tests. That is a bunch of garbage and they know it. It is the lawyer's job to prevent spoliation of any and all evidence favorable to the defense, they failed in that regard. A lot of evidence was destroyed and Glen Andrew Hall and Matthew Clark and Lauren McGarry and Scott Albrecht all let it happen



on their watch. They allowed the police body-camera footage to conveniently be destroyed, they allowed the blood vial or vials to be destroyed of blood that was drawn on September 21, 2018, that would have proven the levels of Carbon Monoxide poisoning after Brian was apprehended by Martinsville Police Department. They allowed any important to be destroyed, it is all a fraud upon the court.

Case law in support of this NOTICE:

Where falsification occurs in the midst of ongoing judicial proceedings, and is specifically directed at affecting those proceedings, it often is termed “fraud on the court.” A court, as an exercise of this inherent authority, may sanction fraud on the court through dismissal (if the falsifier is the plaintiff) or default (if the falsifier is the defendant).

Some examples are: Breezevale Ltd. v. Dickinson, 879 A.2d 957, 964 (D.C. 2005) (affirming sanction of dismissal where top executives of plaintiff company engaged in scheme to forge documents and subsequently denied the forgery in pleadings and sworn testimony); Synanon Found., Inc. v. Bernstein, 503 A.2d 1254, 1263 (D.C. 1986) (affirming sanction of dismissal where plaintiff, inter alia, destroyed audiotapes and made false statements to the court “that no responsive documents could be found” in order “to deceive the court, and to improperly influence the court in its decision on the defendants’ motions to compel, with the ultimate aim of preventing the judicial process from operating in an impartial fashion”); Cox v. Burke, 706 So. 2d 43 (Fla. Dist. Ct. App. 1998) (affirming sanction of dismissal where plaintiff gave false answers to interrogatories and deceptive deposition testimony); Pope v. Fed. Express Corp., 974 F.2d 982, 984 (8th Cir. 1992) (affirming sanction of dismissal for plaintiff’s forgery of, and reliance on, a single document); Aoude v. Mobil Oil Corp., 892 F.2d 1115 (1st Cir.



1989) (affirming dismissal where plaintiff concocted a single document); *Tramel v. Bass*, 672 So. 2d 78, 82 (Fla. Dist. Ct. App. 1996) (affirming default judgment against defendant who excised damaging six-second portion of videotape before producing it during discovery). See 501 U.S. at 56–57; see also *Synanon Found., Inc. v. Bernstein*, 517 A.2d 28, 43 (D.C. 1986) (once a party embarks on a “pattern of fraud,” and “[r]egardless of the relevance of these [fraudulent] materials to the substantive legal issue in the case,” this is enough to “completely taint [the party’s] entire litigation strategy from the date on which the abuse actually began”).

It has always been understood—the inference, indeed, is one of the simplest in human experience—that a party’s falsehood or other fraud in the preparation and presentation of his cause, his fabrication or suppression of evidence by bribery or spoliation, and all similar conduct is receivable against him as an indication of his consciousness that his case is a weak or unfounded one; and from that consciousness may be inferred the fact itself of the cause’s lack of truth and merit. The inference thus does not necessarily apply to any specific fact in the cause, but operates, indefinitely though strongly, against the whole mass of alleged facts constituting his cause.

The arguments cited from Attorney report titled "Responding to Falsification of Evidence" by Jonathan K. Tycko. Jonathan K. Tycko is a partner with Tycko Zavareei & Spiva LLP in Washington, D.C. He can be reached at (202) 973-0900 or by email at [jtycko@tzslaw.com](mailto:jtycko@tzslaw.com).

Hill respectfully files this NOTICE with this honorable Court, this the 2nd day of November, 2020.

Respectfully submitted,

---



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Ally of Qanon  
We Are Change

Brian D. Hill  
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

[JusticeForUSWGO.wordpress.com/Pardon](https://JusticeForUSWGO.wordpress.com/Pardon)[JusticeForUSWGO.wordpress.com](https://JusticeForUSWGO.wordpress.com)

Amazon: The Frame Up of Journalist Brian D. Hill

This pleading had been transmitted by facsimile to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 2, 2020, at the address of 55 West Church Street, Martinsville, Virginia 24112 and at Fax: (276) 403-5232.

### CERTIFICATE OF SERVICE

I hereby certify that on this the 2nd day of November, 2020, a true copy of the foregoing NOTICE/Pleading was transmitted by facsimile to Glen Andrew Hall, Esq., at the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478.

Brian D. Hill  
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

JusticeForUSWGO.wordpress.com

Amazon: The Frame Up of Journalist Brian D. Hill

**ATTACHMENT: “DECLARATION OF BRIAN DAVID HILL AND NEW  
EVIDENCE IN SUPPORT OF PENDING MOTION UNDER DOCUMENT #  
206 REQUESTING SANCTIONS” – 24 PAGES**



In the United States District Court  
For the Middle District of North Carolina

<b>Brian David Hill,</b>	)	
<b>Petitioner/Defendant</b>	)	
	)	
<b>v.</b>	)	<b>Criminal Action No. 1:13-CR-435-1</b>
	)	
<b>United States of America,</b>	)	<b>Civil Action No. 1:17-CV-1036</b>
<b>Respondent/Plaintiff</b>	)	
	)	
	)	

**DECLARATION OF BRIAN DAVID HILL AND NEW EVIDENCE IN  
SUPPORT OF PENDING MOTION UNDER DOCUMENT # 206  
REQUESTING SANCTIONS**

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

Petitioner Brian David Hill ("Brian D. Hill", "Petitioner") would like to submit a Declaration and its attached evidence in support of his #206 Motion for Sanctions (Filed: October 15, 2019) that was still pending before this Court and was uncontested since no response was ever filed to that motion before this Court. That motion still pending before this Court is MOTION entitled "Petitioner's Second Motion for Sanctions and to Vacate Judgment that was in Plaintiff's/Respondent's Favor; Motion and Brief/Memorandum of Law in support of Requesting the Honorable Court in this case Vacate Fraudulent begotten Judgment or Judgments" filed by BRIAN DAVID HILL. Response to Motion due by 11/5/2019. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Supplement 1, # 4 Supplement 2, # 5 Supplement 3, # 6 Supplement 4, # 7 Envelope – Front and Back) (Garland, Leah) (Entered: 10/16/2019).

No response was ever entered by the Government in regards to pending motion Document #222, MOTION entitled "Petitioner's third Motion for Sanctions, Motion for Default Judgment in 2255 case and to Vacate Judgment that was in



Plaintiff/Respondent's favor" filed by BRIAN DAVID HILL. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Supplement 1, # 12 Envelope – Front and Back) (Garland, Leah) (Entered: 11/21/2019).

Petitioner hereby submits new evidence that was not previously filed in this Court before and would be considered new evidence which counters the “Judgment and Revocation” (Doc. #200, Filed: October 7, 2019) proving even further that the judgment revoking the Supervised Release of Petitioner Brian David Hill is even further based upon fraud upon the court. Fraud upon the court as there was no intent to commit indecent exposure, no intent to commit any obscenity, or both. The evidence further proving that the Martinsville Police Department refused and/or failed to conduct a reasonable thorough investigation before deciding to charge Brian David Hill on September 21, 2018, with indecent exposure under Virginia Code § 18.2-387 in the Martinsville General District Court. The additional evidence proves even further that “evidence fails to show that Appellant” aka Brian David Hill “acted intentionally to make an obscene display or exposure of his person” as Attorney Edward Ryan Kennedy had argued before the U.S. Court of Appeals for the Fourth Circuit. See his arguments in appellant brief document: USCA4 Appeal case no.: 19-4758, Doc: 21, Filed: 12/19/2019.

The evidence attached thereto under **Exhibit 1** shows photograph exhibits of what was filed in the Petition/Motion for Writ of Error Coram Nobis/Vobis”, case no. CL20000089-00 that was filed this year on March 16, 2020 in the Circuit Court of Martinsville. Even though it was denied later on April 10, 2020 without an opinion from the Hon. Giles Carter Greer, it shows photographs of an envelope that was mailed to the Police Chief G. E. Cassady from the City of Martinsville Police Department. That envelope was signed for by G. E. Cassady. A fax was sent to Martinsville Police Department on how important signing for the envelope was and that he needed to pick it up due to it having important evidence that had needed to be investigated. See **Exhibit 2** for the photocopy of that fax letter that Martinsville Police Department had received before Chief G. E. Cassady had personally signed for that envelope. Martinsville Police never investigated any of the evidence in the envelope, has the evidence will forensically show that the envelope was never even opened up. The envelope contained the original letter, and a copy if that letter was filed with this Court on July 22, 2019, as Document #181, “DECLARATION entitled "Evidence Declaration of Brian David Hill Regarding Carbon Monoxide and Letgter to Martinsville Police Chief in Opposition to



Government's/Respondent's Documents # 156 , # 157 , # 158 , # 159 , and # 160 " filed by BRIAN DAVID HILL. (Attachments: # 1 Exhibit 0, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Envelope – Front and Back) (Garland, Leah) (Entered: 07/22/2019)". That letter was mailed out to Martinsville Police Department before the Doc. #186 revocation hearing on September 12, 2019.

Brian David Hill, the Petitioner, has this envelope that was signed for by the Police Chief G. E. Cassady. Petitioner states under oath or affirmation why this is possible. Petitioner will explain how he has the envelope, the very envelope that was mailed to Martinsville Police Department with evidence for them to investigate regarding the indecent exposure incident and charge on September 21, 2018. The truth is there was no investigation into any of that evidence, the envelope was never even opened, Petitioner's court appointed lawyer Matthew Clark never told him about the envelope being in his possession, as Petitioner discovered the sealed envelope to the Police Chief of Martinsville in case files that Brian had requested from Matthew Clark's office when Brian had decided to timely appeal his conviction of indecent exposure due to Matthew Clark begging Brian and his family to withdraw the appeal and accept the decision of guilty in the General District Court. However, Brian didn't know that his lawyer had lied to him and his family or deceived him by failing or refusing to notify Brian of the envelope that Brian intended to mail to Martinsville Police Department therefore waiving attorney/client privilege. It is Brian's constitutional and legal rights, as a citizen of Martinsville, Virginia, to report evidence of a crime or evidence of an incident to his local Police Department when new evidence surfaces. It is the duty of Martinsville Police to investigate new evidence mailed to them. It is a dereliction of duty at best, corruption at worst.

I also would like to present a filing and it's attached evidence from a federal lawsuit from the Western District of Virginia to this Court as I do not want to refile the entire Writ of Error Coram Vobis/Nobis document and evidence as it would be redundant. So, I would like to introduce Document #2-2, case of Brian David Hill v. Glen Andrew Hall, Esq., et al., case no. 4:20-cv-00017, Western District of Virginia.

**DECLARATION:**



I Brian David Hill had typed up a letter and attached exhibits to that letter that was to be directed to the Police Chief of Martinsville Police Department, letter dated Thursday, July 18, 2019, and I had requested that Officer Robert Jones, aka the one who initially investigated the incident and charged Brian David Hill with indecent exposure on September 21, 2018, be the one to also receive a copy (by "CC:") of my letter and attached exhibits with the intent of wanting an investigation into this. I had apologized to the police for cussing them out on September 21, 2018, and explained to them that I had no knowledge of carbon monoxide gas that was flowing into my Apartment and once I had the evidence showing that multiple symptoms were documented showing evidence of potential carbon monoxide poisoning, that I thought it should be made available to the criminal investigator who had arrested me for indecent exposure as I was charged under Virginia Code § 18.2-387. I have the return receipt which proves that the envelope was signed for by Police Chief G. E. Cassady on August 7, 2019.

After I had faxed the Martinsville Police Department (See Exhibit 2) asking for the Chief of Police to sign for the envelope, I got a return receipt back proving that he had indeed signed for the envelope back in 2019. That was before the Final Supervised Release Violation hearing that had been scheduled for September 12, 2019. I had assumed that the envelope had been read and that there was some sort of an investigation into my claims of carbon monoxide, and that chimney expert Pete Compton would be questioned by Martinsville Police to verify my claims to the Police Department in that letter giving a good reasonable explanation why I was out butt naked on the Dick and Willie hiking trail at nighttime on September 21, 2019. I couldn't give that explanation on the day that I was charged because I did not know that I had been subject to carbon monoxide poisoning or gas until my family had notified me while I was being mentally evaluated by Dr. Dawn Graney of the Federal Correctional Institution 1 ("FCI-1") in Butner, North Carolina.

Later I found out that my assumptions were way off when I discovered that the envelope that I had mailed to the Police Chief had never even been opened and I will explain to this court herein how I indeed know this and how I can prove it.

After the hearing on September 12, 2019 before the Hon. Thomas David Schroeder in the Winston-Salem U.S. District Court, my ineffective counsel Matthew Clark in my Virginia criminal case (for the indecent exposure) had kept pressuring me to withdraw my appeal and trial de novo in the Circuit Court and accept the decision in the lower court which that influence came directly after I was revoked of my



Supervised Release on September 12, 2019 at the hearing. My Attorney Matthew Clark had been informed of the decision in the federal court regarding the revocation and then he started pressuring the pestering me and my family to have me withdraw my appeal and give up on me fighting for acquittal in my state criminal case. That was indeed caused and influenced by that decision on September 12, 2019. If my court appointed lawyer Matthew Clark had known that proving my technical innocence to my charge of indecent exposure would play a role in me possibly not being revoked of my Supervised Release sentence, Matthew Clark may not have advised me to withdraw my appeal in state court. So that decision may have completely influenced my Attorney in such a negative and ineffective way in my opinion.

Anyways, I had faxed Matthew Clark's office a letter asking for my case files as I was pursuing my Writ of Habeas Corpus direct collateral attack on my wrongful conviction of indecent exposure that was caused and influenced by me being revoked of my Supervised Release on September 12, 2019. I still had not known of the envelope being in Matthew Clark's possession until I had picked up the case files at Matthew Clark's office. His assistant that works at his Martinsville law office, gave me the case files. I took them back home at 310 Forest Street, Apartment 2, Martinsville, VA 24112 to examine the contents of the case files. I saw the envelope and was baffled why the envelope that I had originally mailed to the Police Chief G. E. Cassady was in my Attorney's case files that were given to me.

I noticed some writing on it "Turned over to CA 8/7/2019 1455 hrs", "N.L 7-22-19 won't be back till 8-1-19" and from what I could tell it appeared to me that my envelope was turned over to the Commonwealth Attorney on August 7, 2019 and then the Commonwealth Attorney turned over the envelope to my court appointed Attorney Matthew Clark without ever opening its contents and he had never informed me verbally that he had received my envelope that was mailed and directed to Martinsville Police Department to investigate the evidence contents inside. Matthew Clark never informed me in writing that he had received my envelope that was mailed and directed to Martinsville Police Department to investigate the evidence contents inside. Even my own lawyer Matthew Clark never opened up the envelope to see what I had attempted to mail to Martinsville Police Chief and why I would mail it without going through my lawyer. He never acknowledged that I had waived attorney/client privilege when mailing evidence to Martinsville Police Department, and that I have a right to report a crime or any



evidence relating to a possible crime or investigation to my local Police Department as a citizen of that locality. Martinsville Police Department had failed me and by not conducting a thorough investigation they cannot just make assumptions regarding intent of indecent exposure or even obscenity when they failed and/or refused to investigate any evidence I had sent them by mail or had wanted to send them but was blocked from doing such.

My lawyer Matthew Clark never investigated the contents inside that envelope, Martinsville Police Officer Robert Jones never investigated the contents inside that envelope prior to the Revocation Hearing on September 12, 2019, at the Winston-Salem North Carolina federal courthouse, the Martinsville Police of Chief never investigated the contents inside that envelope, and even the Commonwealth Attorney who had prosecuted the charge of indecent exposure never investigated the contents inside that envelope. That envelope had clear and convincing factual evidence that was more provable than my claim in 2018 as to a man wearing a hoodie directing me to take my clothes off and take pictures of myself. I had a document my mother had printed for me regarding a National Institutes of Health ("NIH") medical study regarding acute carbon monoxide poisoning and the symptoms. The symptoms had I believed matched my weird and bazaar behavior on September 21, 2018. A month after I was arrested, I was diagnosed with "psychosis" which is a symptom of carbon monoxide poisoning according to the NIH article. Later on, I found evidence that my resting blood pulse was over 100 while I was at the Hospital on September 21, 2018, the day that I was arrested and had been arrested after being discharged from the Hospital. When a resting blood pulse is recorded as to being over 100, it is medically known as Sinus Tachycardia. That is also a symptom known to have been exhibited by those exposed to carbon monoxide gas poisoning. The Sovah Hospital medical record I had requested of the date of September 21, 2018, the medical record of myself of being examined at the Hospital before I was arrested by Martinsville Police, showed two times an abnormal resting blood pulse. One number from the record showed around 4:09AM was "Pulse 119" and around 5:01AM was "Pulse 106" (Doc. #181-11, Page 6 of 8). That was filed under Document #181-11, dated July 22, 2019, a few months before the final revocation hearing. That proves to this Federal Court in this case that I, Brian David Hill, was wrongfully discharged from the Hospital into Martinsville Police custody and then to Martinsville City Jail regarding my charge of indecent exposure. I should not have been medically cleared. They released me when records show that I had multiple abnormally high resting blood pulse, and



yet they drew blood from my arm which is evident when they were prepared to conduct laboratory testing but then cancelled them and likely threw my blood away. They put in the medical record "Corrections: (The following items were deleted from the chart)". So, they drew my blood which would have had the biological evidence and the levels which could have proven the levels of Carbon Monoxide ("CO") poisoning in my blood but they threw it away. I had told my first state court appointed lawyer Scott Albrecht in my criminal case that I felt I was drugged and blacked out while I was on the Dick and Willie hiking trail when I was naked. I asked for the drug test results and asked for a drug test but my court appointed lawyer Scott Albrecht never did any such thing and ignored my requests even though that would have proven me actually innocent of indecent exposure as the carbon monoxide would show an abnormality of my health during the indecent exposure incident. More than likely that evidence would have been brought up at the General District Court and may have led to a not-guilty verdict. If the Circuit Court had heard of this evidence at the jury trial that had been planned for December 2, 2019, the Jury would have likely voted not-guilty on the factual basis that there was no intent to be indecent and that the carbon monoxide was a lawful reason or excuse to have conducted the weird and bazaar behavior on September 21, 2018, that I had not exhibited previously and had not exhibited such behavior after that incident as the source of what had caused the carbon monoxide to reportedly enter by Apartment in 2018 was reportedly removed by Pete Compton the chimney expert that I wanted to testify at the Final Revocation Hearing on September 12, 2019, but Attorney Renorda Pryor never asked him to testify as an expert witness or as a witness at all.

With all of this cumulative evidence I had on carbon monoxide, it is clear that I was suffering under its effects when I was naked on the Dick and Willie hiking trail on September 21, 2018, and would explain my abnormal, bazaar and weird behavior. It is clear to the best of my knowledge when asking my family to research about carbon monoxide symptoms and effects that carbon monoxide affects the brain and can cause anywhere from hallucinations to psychosis to not making any sense when interviewed or interrogated.

I also had filed four affidavits which is one from myself (Document #216-2), one from Stella Forinash (Document #216-3), one from Kenneth Forinash (Document #216-4), and one from Roberta Hill (Document #216-1). Whether or not the Court would agree as to the omissions in the official transcript of the proceeding dated September 12, 2019, we all know that there were things that the U.S. Attorney's



witness Officer Robert Jones (as listed under Document #186 on Exhibit and Witness List) did not find in my backpack when I was arrested on September 21, 2018. I did not have my glucose tablets with me that night. I did not have my insulin pens with me that night. I did not have my diabetic glucose monitor with me that night. Also, the trial Exhibits and Witnesses listed under Document #186 have a statement that is incorrect and there is no evidence ever proving a certain entry. It said "(Sealed) Thumbnail Photos from Defendant's Phone". There was no phone that was seized by Martinsville Police Department but was a camera according to the search warrant affidavit I had seen in my state case. So that was incorrect and I hope that gets corrected on the record. Yeah, I did not have any of my necessary diabetic equipment. I did not have any cell phone with me on the night that I was out on the Dick and Willie trail on September 21, 2018, otherwise the Police could have found things like for example: emergency contacts. They did not find any evidence of me even being diabetic. Officer Robert Jones did not find things in my backpack that I normally would have in my backpack when I go hiking with my mother and caretaker Roberta Hill.

My mother and caretaker Roberta Hill are also paid to be my caretaker under Virginia Medicaid program Consumer Direct, formerly known as Public Partnerships. She is paid for a certain number of hours to help manage my diabetes and supervise me when I manage my diabetes. What I mean by that is there are times when I can do my own insulin shots and drink glucose beverages to help manage my diabetes. There are times when I cannot manage my own type one brittle diabetes and sometimes, I can be incapacitated due to my low blood sugar. During those times my caretaker does whatever she can to give me glucose whether it be with honey or marshmallows or icing. That is to bring my low blood sugar back up either to stop my diabetic seizure to get me back to normal or to prevent a diabetic seizure from coming. So, I cannot fully take care of myself. That is why I have a Medicaid paid for caretaker.

I did remember something from the day of the hearing on September 12, 2019, about Attorney Renorda Pryor asking Officer Robert Jones if he knew I was diabetic and he did not know I was diabetic, as if the Officer was shocked and did not know as he was never told but rather I told him that I had Autism but forgot to tell him that I had type 1 brittle diabetes which is unlike me. The fact I didn't even mention an important medical health problem before and during my arrest tells me that I wasn't thinking properly and didn't understand why I was not thinking properly that night. I had sinus tachycardia at the Hospital but was discharged



without the Hospital ever finding out why, pushing to order laboratory results but then cancelling them. The Hospital never should have medically cleared me, it was inappropriate and they should have held me under observation and should have held me until they had figured out why I had sinus tachycardia on two different readings of my resting blood pulse. The Officer I forgot to have told him that I had type 1 brittle diabetes. I had no cell phone, no diabetic insulin, no glucose tablets, no diabetic blood sugar reader, and no emergency contact information. I was clearly not thinking straight. Out in the middle of the night, butt naked on a deserted hiking trail, I was spotted at one point of the hiking trail where a road with cars can see the hiking path, all that person saw was a naked man running and not doing anything sexual and probably out of concern for that person's safety had called 911. I written letters to the Court in 2018 saying things that made no sense and saying to people that I thought I was drugged and blacked out while I was on the trail. All of this I am willing to admit under oath or affirmation to the Court. I clearly had no men's rea when I was charged on September 21, 2018. It doesn't make any logical sense to have no diabetic supplies in my backpack when I was arrested by Officer Robert Jones. He didn't know when he arrested me that I was a type one brittle diabetic because I only remember telling him about me having Autism Spectrum Disorder. The Hospital clearly did not educate that officer about my medical problems. That Hospital clearly erroneously discharged me as I never should have been medically cleared according to the hospital record dated September 21, 2018. Two high resting blood pulse readings which is considered tachycardia which is a sign of possibly more serious medical health issue and they released me to be thrown in jail without bond/bail then they even knew why and how I would have sinus tachycardia. The claim by the U.S. Probation Office or U.S. Attorney Office or Prosecutor in the state case that claimed I was medically cleared is and should be without merit. I was prematurely discharged but it is too late for me to file a lawsuit under the civil statute of limitations in the Commonwealth of Virginia but I wanted to sue that Hospital for medical neglect. Instead I will show evidence to this Court that there is no intent to indecently expose and there is no intent to being obscene. A Hospital that did not investigate the tachycardia readings and cancelled the laboratory tests that would have proven the levels of carbon monoxide which could have led to no criminal charge by the Commonwealth of Virginia, my Probation Officer would have been informed of the levels of carbon monoxide and I never would have had to worry about facing a revocation over what had happened. The Police Department of Martinsville had failed me, the Hospital had failed me. I didn't fail myself, I wasn't thinking clearly,



like I was half thinking. I never should have been held criminally culpable to the extent pushed by the U.S. Probation Officer and by the U.S. Attorney Office. That was wrong and clearly is an erroneous revocation. If this Court cannot undo its miscarriage of justice done on September 12, 2018, then I will ask the President of the United States Donald John Trump for a full unconditional pardon over my probation violation in regards to what had happened on September 21, 2018 (Doc. #156, #157, #158). The President has the absolute right to grant pardons and reprieves. If the President feels that the U.S. District Court did wrong in one of its judgments in a criminal case and created a permanent miscarriage of justice that cannot be undone and cannot be remedied, then I believe the President has the right to pardon me of that probation violation and relieve me of the consequences of what had happened since it is not my fault. Carbon monoxide is not my fault and I cannot help how it had affected me. It affected me to the extent where I was out on a hiking trail at night, butt naked, without my necessary medical supplies on September 21, 2018. If this Court cannot have any sympathy to the evidence and facts I have demonstrated before this Court then maybe the President of the United States will correct this fraud, the fraudulent begotten judgment under Document #200. The President of the United States, I will request that he intervene in his case even if I have to ask each and every member of the Donald Trump family to forward my request personally to the President himself to grant me a pardon or reprieve for this wrongful supervised release violation and revocation.

Also, it should be noted for this Court that on September 21, 2018, the Sovah Hospital of Martinsville who acted as though I was medically cleared which was also claimed by the U.S. Probation Office for my indecent exposure charge if I had recalled that Arrest Warrant and charge Declaration correctly, that they never checked my diabetic blood sugar on September 21, 2018, as far as the record was concerned. There is no evidence on the September 21, 2018, that my diabetic glucose was checked before I was discharged to Police/Jail. Diabetes does play a major role of my behavior in my life. Even the U.S. Marshals know that diabetes can affect behavior as one of them had told me in 2015. Part of the evidence submitted to the Martinsville Police Department that was attached to the letter that they never read because they had never opened up the original envelope that I have in my possession after that Police Chief months ago had signed for that envelope and gave it up, showed that Sovah Hospital saw multiple times that I had tachycardia but never further investigated and never checked my diabetic blood sugar.



See Document #181-3, Filed 07/22/2019, Page 5 of 5. That medical record said "POC GLU" which was "429" at around "1006" and "435" around "0943". Both were extremely high blood glucose readings. That was around November 19, 2017. My diabetic blood sugar reading was checked around that admission to that same Hospital.

Then according to Document #181-11, Filed 07/22/2019, Page 5 of 5. That medical record dated September 21, 2018, said "04:48 28-year-old male with diabetes and autism presents for evaluation..."

It said on Page 8 of 8, of that federal court case record, "04:52 09/21 04:52 09/21/2018 04:52 Discharged to Jail/Police. Impression: Abrasion, right knee; Abrasion of unspecified front wall of thorax. Condition is Stable." That contradicts the tachycardia readings on Page 6 of 8 which again is Document #181-11. When tachycardia is present which is an abnormally high resting blood pulse and it had lasted for about proximately almost an hour on record, to say my condition is stable is not true. They failed and because of that I can never ever get the levels of carbon monoxide poisoning and thus ineffective counsel and medical neglect by the Hospital and lying that my health was cleared or just simply being incompetent has violated my Constitutional and/or legal rights. I never should have been revoked of my supervised release. This is an extreme and unusual circumstance.

Here are some quoted information from the medical records submitted on federal court record

Document #181-11, Filed 07/22/2019, Page 6 of 8, "Vital Signs":

It said "04:09 BP 124 / 86; Pulse 119; Resp 19; Temp 98; Pulse ox 98% ; Weight 99.79 jt kg; Height 6 ft. 0 in. (182.88 cm); Pain 0/10;"

It said "05:01 BP 119 / 80; Pulse 106; Resp 16; Temp 98.2; Pulse Ox 99% ; Pain 0/10; jt"

From what it said from around 4AM to 5AM I still had exhibited a resting blood pulse of over 100, a long period of time to have tachycardia and the Hospital never got the levels and never investigated as to even why, that is serious medical neglect, irresponsible behavior for the medical profession, and/or is extreme incompetence. Document #181-3, Page 4 of 5: shows I had sinus tachycardia due to my resting blood pulse being over 100. That was on Sunday, November 19, 2017. At that date period, I had a fall and blood was coming out of a part of my head because of that fall. Ambulance was called but because my OCD was really



bad at about that time, I insisted that I head to the Hospital voluntarily. Then it took me about an hour or more doing my OCD routine. Not knowing that the more hot water I had used up in my routine, that even more carbon monoxide was coming into my Apartment and my mother's Apartment. That would explain to the Hospital why I had Sinus Tachycardia. Same as me having Tachycardia at around 4AM and 5AM around September 21, 2018, but the Hospital was lazy enough and stupid enough to not complete the laboratory tests after drawing my blood and thus they never got the levels of carbon monoxide which would have been a defense to my charge of indecent exposure. Then when I got to the Hospital hours after the ambulance came and left after I insisted that I do my OCD routine before going to the Hospital, they found evidence that I had sinus tachycardia. The Hospital was ignorant, incompetent, stupid, and ruined my life on September 21, 2018, when they let me go to jail with evidence in my blood which would have exonerated me and acquitted me.

If this U.S. District Court cannot acquit me even after this affidavit as to my carbon monoxide poisoning and the Police refusing to look at evidence in a manilla envelope mailing, then I have no choice but to peaceably go to every family member of President Donald J. Trump to petition them and beg them to contact the President directly and have me granted an unconditional full pardon for my supervised release violation for the incident on September 21, 2018. The President has the power to pardon me for any federal charges. As for the state, it will be up to the Governor to pardon me or the State Court to acquit me. However, the President does have the right to grant pardons and reprieves for any federal punishments that I receive, therefore the President has the absolute right to pardon me for my probation violation and I will push for a pardon if the Court cannot fix this miscarriage of justice.

### **EXHIBITS**

I also attach hereto as **Exhibit 1**, a true and correct copy of the photographs that was submitted to the Circuit Court as part of the Motion/Petition for Writ of Error Coram Vobis/Nobis. As well as two photocopy scans of the return receipt showing that it was signed for by Police Chief G. E. Cassady, and was under restricted delivery. It shows the envelope to Police Chief G. E. Cassady that was signed for by Police Chief G. E. Cassady on August 7, 2019, but was turned over to the Commonwealth Attorney and then to my court appointed lawyer who did nothing with it while badgering me and my family to accept the guilty verdict of the



General District Court. He ignored valuable evidence and refused to ask Martinsville Police to investigate any of it. Both of my state court appointed lawyers Matthew Clark and Scott Albrecht did nothing to ask for the Police Body camera footage which also could have been useful to evaluate my eyes to determine if I was under the influence of any drugs or substances. Both lawyers were ineffective and damaged by defense in the state case to such extent where proving my factual innocence may or may not be impossible. They refused to investigate my claim that I was drugged. I had agreed to a drug test that was never conducted by Martinsville Police and never requested by any of my court appointed lawyers in my Virginia state case. They never asked for the body-camera footage and then Matthew Clark told me in 2019 that the footage may likely be destroyed now because of the retention period. I sent multiple letters, one was certified mail by my family where I kept asking for the body-camera footage and my court appointed lawyers in my state case knew I wanted the body-camera footage and they never asked for it as evidence and they allowed it to be destroyed. That is what led to me falsely accepting the decision of guilty in the Martinsville General District Court. My lawyers allowed potential evidence favorable to me as a defendant to be destroyed by the Police Department. They allowed the Martinsville Sovah Hospital to destroy evidence such as drawing blood from my veins. They violated my legal rights under the Americans with Disabilities Act, Title II. They violated my rights as a criminal defendant. My court appointed lawyers in my state case didn't want to do anything that could have prevented my revocation of supervised release in my Federal case by allowing favorable evidence to be destroyed and allowing any facts that could have helped me also be destroyed. My ineffective counsel ruined my life and allowed the fraud of indecent exposure to become a permanent criminal record against me and they won't even apologize for what they had done to me. **Exhibit 1** contains 5 pages of evidence which should be filed in COLOR by the deputy Clerk.

I also attach hereto as **Exhibit 2**, a true and correct copy of the original fax that I had transmitted to the Martinsville Police Department on August 7, 2019. I have this original because I assumed that it was also turned over to the Commonwealth Attorney and then to Matthew Clark, my court appointed lawyer, and that is how I am in possession of this original fax record. **Exhibit 2** contains 1 page of evidence in black and white. I have the original fax record in my possession as well.



This evidence should be sufficient to prove that the U.S. Attorney Office for the Middle District of North Carolina had wrongfully prosecuted a questionable and possibly fraudulent charge of violating supervised release as the Martinsville Police Department was allowed to destroy their body-camera footage of what had happened on September 21, 2018, because my court appointed lawyers never fulfilled my requested as the client for the body-camera footage. Scott Albrecht should be sued or held legally responsible in Virginia for this blatant ignorance to allow spoliation of evidence which may be useful in proving that I had no intent (mens rea) to indecent exposure and potential carbon monoxide symptoms. The U.S. Probation Office never should have pushed for revoking my supervised release and should have given me a chance to have me be found not-guilty in the state court. This prosecution led to such a miscarriage of justice that blood evidence was destroyed, body-camera footage was destroyed, and all of that evidence being destroyed was allowed by both the Commonwealth Attorney Glen Andrew Hall (that jerk!!!!) and the Defense Attorney Scott Albrecht and had this evidence been brought up I likely would not have been found guilty of indecent exposure at the General District Court of Martinsville.

I feel I had been wrongfully convicted in the state court on December 21, 2018, I was deprived of due process of such egregious circumstances. I was wrongfully allowed by my own court appointed lawyers to have allowed evidence to be destroyed that may have been beneficial to me proving that I had no intent of indecent exposure, no intent of obscenity and should not have been revoked of my supervised release.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 2, 2020.

Respectfully filed with the Court, this the 2nd day of November, 2020.

Respectfully submitted,

Brian D. Hill  
*signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, Virginia 24112



Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp  
I ask Qanon and Donald John Trump for Assistance (S.O.S.)  
Make America Great Again

Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that “The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases”. Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail.

Thank You!

### CERTIFICATE OF SERVICE

Petitioner/Defendant hereby certifies that on November 2, 2020, service was made by mailing the original of the foregoing:

“DECLARATION OF BRIAN DAVID HILL AND NEW EVIDENCE IN  
SUPPORT OF PENDING MOTION UNDER DOCUMENT # 206  
REQUESTING SANCTIONS”

by deposit in the United States Post Office, in an envelope, Postage prepaid, on November 2, 2020 addressed to the Clerk of the Court in the U.S. District Court, for the Middle District of North Carolina, 324 West Market Street, Greensboro, NC 27401.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office	Angela Hewlett Miller U.S. Attorney Office
---	---



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Civil Case # 1:17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 <a href="mailto:Anand.Ramaswamy@usdoj.gov">Anand.Ramaswamy@usdoj.gov</a>	Civil Case # 1: 17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 <a href="mailto:angela.miller@usdoj.gov">angela.miller@usdoj.gov</a>
JOHN M. ALSUP U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 <a href="mailto:john.alsup@usdoj.gov">john.alsup@usdoj.gov</a>	

This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

<p>Date of signing:</p> <p><u>November 2, 2020</u></p>	<p>Respectfully submitted,</p> <p><u>Brian D. Hill</u> Signed</p> <p>Brian D. Hill (Pro Se) 310 Forest Street, Apartment 2 Martinsville, Virginia 24112 Phone #: (276) 790-3505</p> <p><b>U.S.W.G.O.</b></p> <p>I stand with QANON/Donald-Trump – Drain the Swamp I ask Qanon and Donald John Trump for Assistance (S.O.S.) Make America Great Again</p>
--	--



Friend's justice site: [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)  
[JusticeForUSWGO.NL/Pardon](http://JusticeForUSWGO.NL/Pardon)

[JusticeForUSWGO.NL/Pardon](http://JusticeForUSWGO.NL/Pardon)

[JusticeForUSWGO.wordpress.com/Pardon](http://JusticeForUSWGO.wordpress.com/Pardon)





Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 11/2/2020 Time: 2:48:23 PM  
Number of pages: 31 Session duration: 1:17:26  
Attn.: Commonwealth Attorney To: Commonwealth Attorney  
Recipient's number: T1-276-403-5478 Message type: Fax  
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\W\_Attachment (2020-11-Error Correction: Yes  
File description: VA NOTICE of FRAUD UPON THE COURT(3)OCR-Signed-W\_AtResolution: 200\*200 dpi  
Recipient's Fax ID: 12764035478 Record number: 8323  
Rate: 14400 bps

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>Brian David Hill,</b>	)	<b>NOTICE OF FRAUD UPON THE</b>
	)	<b>COURT</b>
<b>Defendant,</b>	)	

**NOTICE OF FRAUD UPON THE COURT**

COMES NOW civil Writ of Habeas Corpus Petitioner Brian David Hill ("Brian", "Hill", "Petitioner") respectfully files this NOTICE OF FRAUD UPON THE COURT.

The Defendant attaches the evidence of what he is filing with the U.S. District Court concerning the incident on September 21, 2018, in relevance to this exact case.

ATTACHES: "DECLARATION OF BRIAN DAVID HILL AND NEW EVIDENCE IN SUPPORT OF PENDING MOTION UNDER DOCUMENT # 206 REQUESTING SANCTIONS" – 24 PAGES

WHEREFORE, the undersigned Defendant files further evidence showing FRAUD UPON THE COURT as follows:

1. That the original charge on September 21, 2018, and the trial on December 21, 2018, prosecutor Glen Andrew Hall, Esq., prosecuted the element of guilt that Brian David Hill was medically cleared as if Hill had a clean bill of health when evidence of medical neglect and lies show otherwise. They



# Exhibit 1

USWGO  
QANON // DRAIN THE SWAMP

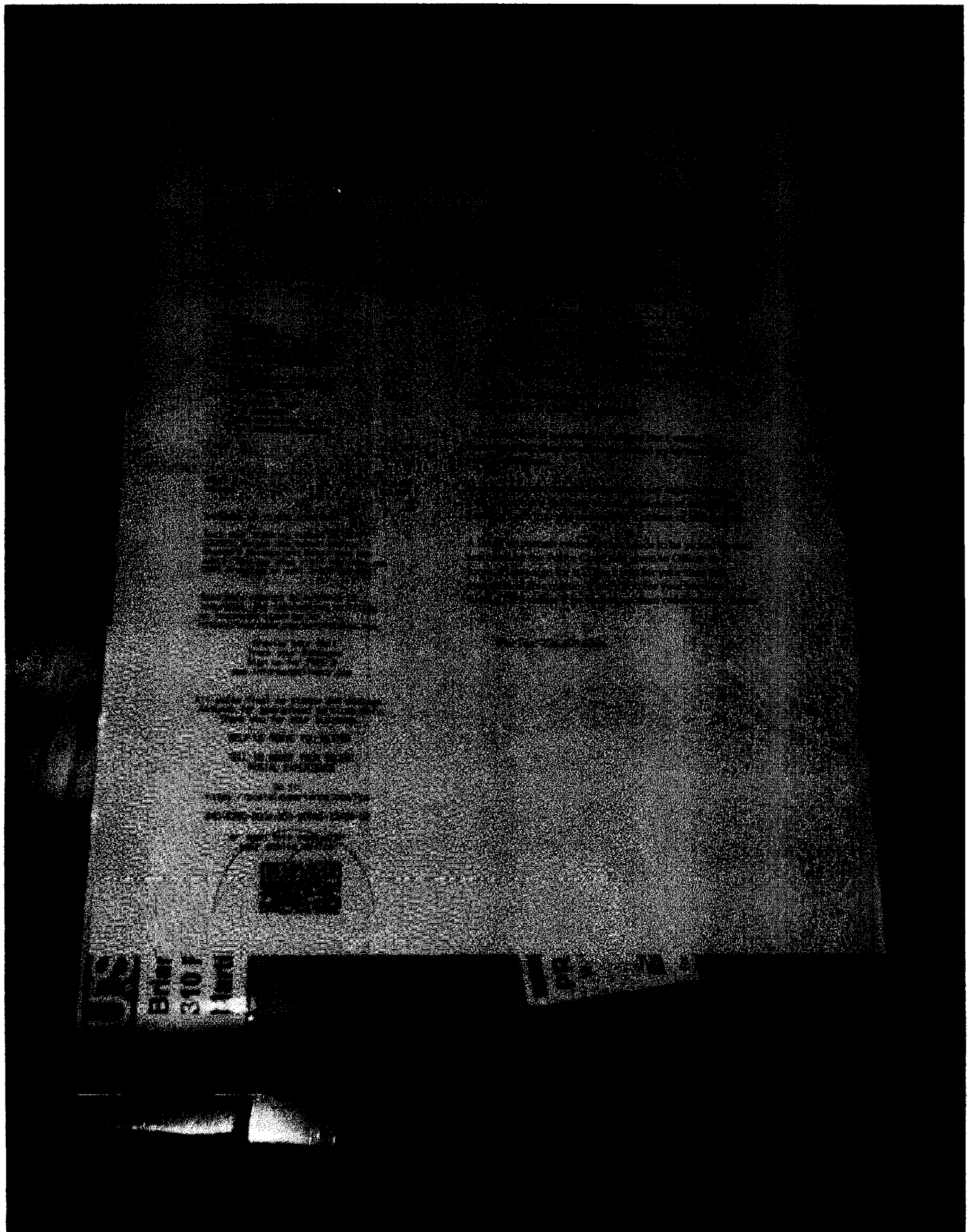


UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
UNITED STATES DISTRICT COURT CASE NO. 1:17-CV-1036  
MIDDLE DISTRICT OF NORTH CAROLINA

Exhibit in attachment to "DECLARATION OF BRIAN DAVID HILL AND NEW  
EVIDENCE IN SUPPORT OF PENDING MOTION UNDER DOCUMENT # 206  
REQUESTING SANCTIONS"



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court



ATTN: Police Chief G. E. Cassidy  
Martinsville Police Department  
55 West Church St.  
Martinsville, VA 24112



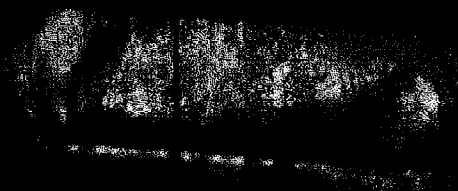
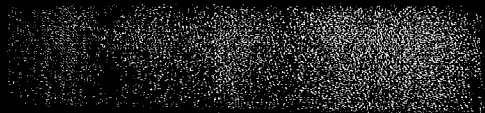
11/2/2020 5:07:12 PM

From: Brian David Hill

Fax ID: 276-790-3505

Page 28/ 32

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court





Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

MARTINSVILLE  
1123 SPRUCE ST  
MARTINSVILLE, VA 24112-9998  
515652-0362  
(800)275-8777  
07/19/2019 09:12 AM

Product	Qty	Unit Price	Price
PM 1-Day (Domestic) (MARTINSVILLE, VA 24112) (Weight: 0 Lb 13.30 Oz) (Expected Delivery Day) (Saturday 07/20/2019)	1	\$7.35	\$7.35
Return Receipt (USPS Return Receipt #) (9590940235277275749741)			\$2.80
Cert Mail RstrDel (Recipient name) (G E CASSADY) (USPS Certified Mail #) (70172680000057509122)			\$8.80
<b>Total:</b>			<b>\$18.95</b>
Cash			\$20.00
Change			(\$1.05)

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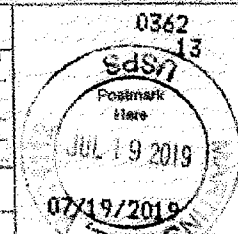
Total Postage and Fees \$18.95

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PS Form 3811



ATTN: Chief G. E. Cassady  
Martinsville Police Department  
55 West Church St.  
Martinsville, VA 24112

COMPLETE THIS SECTION ON DELIVERY		COMPLETE THIS SECTION	
A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <input type="checkbox"/> Other (Print Name) G. E. Cassady 8/7/2019	B. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No	1. Article Addressed to: ATTN: Chief G. E. Cassady Martinsville Police Department 55 West Church St. Martinsville, VA 24112	2. Article Number (Transfer from service label) 9590 9402 3527 7275 7497 41
3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)		4. Domestic Return Receipt <input type="checkbox"/> Priority Mail Express <sup>®</sup> <input type="checkbox"/> Registered Mail <sup>®</sup> <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <sup>™</sup> <input type="checkbox"/> Signature Confirmation Restricted Delivery	

PS Form 3811, July 2015 PSN 7530-02-000-8053



11/2/2020 5:22:35 PM

From: Brian David Hill

Fax ID: 276-790-3505

Page 30/ 32

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

MARTINSVILLE  
1123 SPRUCE ST  
MARTINSVILLE, VA 24112-9998  
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07/19/2019 09:12 AM

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Change			(\$1.05)

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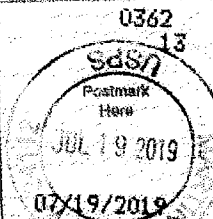
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<input type="checkbox"/> Return Receipt (electronic)	\$8.80
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$7.35
<b>Total Postage and Fees</b>	<b>\$18.95</b>



ATTN: Chief G. E. Cassidy  
Martinsville Police Department  
55 West Church St.  
Martinsville, VA 24112

United States  
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Brian D. Hill  
310 Forest Street, Apt. 1  
Martinsville, VA 24112

*Brian D. Hill*  
Signed

First-Class Mail  
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# Exhibit 2

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UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
UNITED STATES DISTRICT COURT CASE NO. 1:17-CV-1036  
MIDDLE DISTRICT OF NORTH CAROLINA

Exhibit in attachment to "DECLARATION OF BRIAN DAVID HILL AND NEW  
EVIDENCE IN SUPPORT OF PENDING MOTION UNDER DOCUMENT # 206  
REQUESTING SANCTIONS"



Transmitted with Venta Fax & Voice software - <http://www.ventafax.com>



8/7/2019 2:16:06 PM From: Brian David Hill  
Attn.: Any authorized Agent to sign for Mail

Fax ID: 276-790-3505

Page 1/ 1

To: Martinsville Police Department

MARTINSVILLE  
1123 SPRUCE ST  
MARTINSVILLE, VA 24112-9998  
515652-0362  
(800)275-8777  
07/19/2019 09:12 AM

Product	Qty	Unit Price	Price
PM 1-Day (Domestic) (MARTINSVILLE, VA 24112) (Weight: 0 Lb 13.30 Oz) (Expected Delivery Day) (Saturday 07/20/2019)	1	\$7.35	\$7.35
Return Receipt (USPS Return Receipt #) (9590940235277275749741)			\$2.80
Cert Mail RstrDel (Recipient name) (G E CASSADY) (USPS Certified Mail #) (70172680000057509122)			\$8.80
<b>Total:</b>			<b>\$18.95</b>

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**ATTN: Chief G. E. Cassidy**  
**Martinsville Police Department**  
**55 West Church St.**  
**Martinsville, VA 24112**

Very Important Evidence.  
Please sign for it Chief G. E. Cassidy.

I am sorry that it is restricted delivery but I wanted to  
make sure that the evidence was picked up by somebody in  
your Department.

Medical records/reports, statement from expert witness  
Pete Compton a chimney expert. Evidence of threatening  
greeting card that was received by a citizen of Martinsville.

A lot of important evidence that needs to be picked up and  
reviewed by the Police Chief and given to Officer R. D.  
Jones. Please sign for it. Thank you for your time and  
attention to this matter. Thank you for your service. God  
Bless. USPS rather it be picked up than redelivered. - Brian

For Fax: 276.403.5306

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 11/04/2020 @09:07:20

ASHBY PRITCHETT -CLERK  
TESTERK/DEPUTY CLERK

**Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court**



knowingly discharged a patient when showing symptoms of tachycardia on record for about approximately a full hour and never checked his blood sugar not knowing what his diabetic blood glucose was as there is no evidence in the Sovah Hospital Medical record on September 21, 2018, that Brian's blood sugar was ever checked before Brian David Hill was arrested. This is evidence of MEDICAL NEGLECT, INCOMPETENCE, MAYBE EVEN CORRUPTION, who knows;

2. That Martinsville Police Department failed and refused to open up an envelope full of evidence of carbon monoxide gas poisoning and threatening greeting card and turned it over to the Commonwealth Attorney Glen Andrew Hall, Esq., on August 7, 2019 who also refused to open up the envelope and investigate its contents, turned it over to court appointed lawyer Matthew Clark who never informed Brian David Hill that he had taken possession of the envelope that was signed for by Martinsville Police Chief G. E. Cassady on August 7, 2019;
3. That it is Brian David Hill's right as a citizen of Martinsville to report evidence of a crime or report evidence to an investigator pursuant to a crime investigation, that by refusing to open the envelope when they didn't exactly knew what was in it is dereliction of duty and failure to fulfill the duties of the Office of Martinsville Police Department to investigate the evidence, and any and all evidence mailed to them, phone called to them, or even emailed to them;
4. That Martinsville Police Department and Commonwealth Attorney Glen Andrew Hall prosecuted a case where the elements of guilt, elements of the charge were proven wrong beyond a reasonable doubt. Elements such as Brian David Hill being medically cleared when there was evidence of tachycardia on September 21, 2018, medical record. Two times did it show



results for that similar to Brian's fall and blood pouring out of a part of his head on November 19, 2017. Brian also exhibited tachycardia with sinus tachycardia. On September 21, 2018, Brian reportedly fell into a creek from a steep slope which again exhibits a fall risk. In the creek was where Brian was arrested. Brian showed signs of tachycardia but the Hospital staff did nothing about it. The Hospital staff did not reportedly check his diabetic blood glucose. Brian should not have been medically cleared as it is quite clear that Sovah Hospital of Martinsville, Virginia, had clearly demonstrated incompetence, medical neglect, and did not investigate the known issues of tachycardia and Brian's diabetic glucose prior to discharging him to Police/Jail. They probably knew that Jails have the worst medical care and Jails across the United States have poor medical care. The Hospital refused to complete the laboratory tests which would have proven the levels of Carbon Monoxide Poisoning and likely the Commonwealth Attorney would never had charged him if that evidence had surfaced but instead, they are allowing evidence to be destroyed that clearly would have been in Brian Hill's favor. Usually when the prosecutor of a case lets evidence be repeatedly destroyed, that is spoliation of evidence and is usually a sign of frauds upon the court as it shows that the case was weak from the very beginning. Glen Andrew Hall, Esq. allowed evidence to be destroyed and Matthew Clark allowed evidence to be destroyed, and Scott Albrecht allowed evidence to be destroyed. Then Matthew Clark tells Brian and his family in 2019 that it doesn't matter, that they don't have to do laboratory tests. That is a bunch of garbage and they know it. It is the lawyer's job to prevent spoliation of any and all evidence favorable to the defense, they failed in that regard. A lot of evidence was destroyed and Glen Andrew Hall and Matthew Clark and Lauren McGarry and Scott Albrecht all let it happen



on their watch. They allowed the police body-camera footage to conveniently be destroyed, they allowed the blood vial or vials to be destroyed of blood that was drawn on September 21, 2018, that would have proven the levels of Carbon Monoxide poisoning after Brian was apprehended by Martinsville Police Department. They allowed any important to be destroyed, it is all a fraud upon the court.

Case law in support of this NOTICE:

Where falsification occurs in the midst of ongoing judicial proceedings, and is specifically directed at affecting those proceedings, it often is termed “fraud on the court.” A court, as an exercise of this inherent authority, may sanction fraud on the court through dismissal (if the falsifier is the plaintiff) or default (if the falsifier is the defendant).

Some examples are: *Breezevale Ltd. v. Dickinson*, 879 A.2d 957, 964 (D.C. 2005) (affirming sanction of dismissal where top executives of plaintiff company engaged in scheme to forge documents and subsequently denied the forgery in pleadings and sworn testimony); *Synanon Found., Inc. v. Bernstein*, 503 A.2d 1254, 1263 (D.C. 1986) (affirming sanction of dismissal where plaintiff, inter alia, destroyed audiotapes and made false statements to the court “that no responsive documents could be found” in order “to deceive the court, and to improperly influence the court in its decision on the defendants’ motions to compel, with the ultimate aim of preventing the judicial process from operating in an impartial fashion”); *Cox v. Burke*, 706 So. 2d 43 (Fla. Dist. Ct. App. 1998) (affirming sanction of dismissal where plaintiff gave false answers to interrogatories and deceptive deposition testimony); *Pope v. Fed. Express Corp.*, 974 F.2d 982, 984 (8th Cir. 1992) (affirming sanction of dismissal for plaintiff’s forgery of, and reliance on, a single document); *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115 (1st Cir.



1989) (affirming dismissal where plaintiff concocted a single document); *Tramel v. Bass*, 672 So. 2d 78, 82 (Fla. Dist. Ct. App. 1996) (affirming default judgment against defendant who excised damaging six-second portion of videotape before producing it during discovery). See 501 U.S. at 56–57; see also *Synanon Found., Inc. v. Bernstein*, 517 A.2d 28, 43 (D.C. 1986) (once a party embarks on a “pattern of fraud,” and “[r]egardless of the relevance of these [fraudulent] materials to the substantive legal issue in the case,” this is enough to “completely taint [the party’s] entire litigation strategy from the date on which the abuse actually began”).

It has always been understood—the inference, indeed, is one of the simplest in human experience—that a party’s falsehood or other fraud in the preparation and presentation of his cause, his fabrication or suppression of evidence by bribery or spoliation, and all similar conduct is receivable against him as an indication of his consciousness that his case is a weak or unfounded one; and from that consciousness may be inferred the fact itself of the cause’s lack of truth and merit. The inference thus does not necessarily apply to any specific fact in the cause, but operates, indefinitely though strongly, against the whole mass of alleged facts constituting his cause.

The arguments cited from Attorney report titled "Responding to Falsification of Evidence" by Jonathan K. Tycko. Jonathan K. Tycko is a partner with Tycko Zavareei & Spiva LLP in Washington, D.C. He can be reached at (202) 973-0900 or by email at [jtycko@tzslaw.com](mailto:jtycko@tzslaw.com).

Hill respectfully files this NOTICE with this honorable Court, this the 2nd day of November, 2020.

Respectfully submitted,



Ally of Qanon  
We Are Change

Brian D. Hill  
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

[JusticeForUSWGO.wordpress.com/Pardon](https://JusticeForUSWGO.wordpress.com/Pardon)

[JusticeForUSWGO.wordpress.com](https://JusticeForUSWGO.wordpress.com)

Amazon: The Frame Up of Journalist Brian D. Hill

This pleading had been transmitted by facsimile to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 2, 2020, at the address of 55 West Church Street, Martinsville, Virginia 24112 and at Fax: (276) 403-5232.

### CERTIFICATE OF SERVICE

I hereby certify that on this the 2nd day of November, 2020, a true copy of the foregoing NOTICE/Pleading was transmitted by facsimile to Glen Andrew Hall, Esq., at the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478.

Brian D. Hill  
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1



Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

JusticeForUSWGO.wordpress.com

Amazon: The Frame Up of Journalist Brian D. Hill

**ATTACHMENT: “DECLARATION OF BRIAN DAVID HILL AND NEW  
EVIDENCE IN SUPPORT OF PENDING MOTION UNDER DOCUMENT #  
206 REQUESTING SANCTIONS” – 24 PAGES**



In the United States District Court  
For the Middle District of North Carolina

	)	
<b>Brian David Hill,</b>	)	
<b>Petitioner/Defendant</b>	)	
	)	<b>Criminal Action No. 1:13-CR-435-1</b>
<b>v.</b>	)	
	)	<b>Civil Action No. 1:17-CV-1036</b>
<b>United States of America,</b>	)	
<b>Respondent/Plaintiff</b>	)	
	)	
	)	

**DECLARATION OF BRIAN DAVID HILL AND NEW EVIDENCE IN  
SUPPORT OF PENDING MOTION UNDER DOCUMENT # 206  
REQUESTING SANCTIONS**

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

Petitioner Brian David Hill ("Brian D. Hill", "Petitioner) would like to submit a Declaration and its attached evidence in support of his #206 Motion for Sanctions (Filed: October 15, 2019) that was still pending before this Court and was uncontested since no response was ever filed to that motion before this Court. That motion still pending before this Court is MOTION entitled "Petitioner's Second Motion for Sanctions and to Vacate Judgment that was in Plaintiff's/Respondent's Favor; Motion and Brief/Memorandum of Law in support of Requesting the Honorable Court in this case Vacate Fraudulent begotten Judgment or Judgments" filed by BRIAN DAVID HILL. Response to Motion due by 11/5/2019. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Supplement 1, # 4 Supplement 2, # 5 Supplement 3, # 6 Supplement 4, # 7 Envelope – Front and Back) (Garland, Leah) (Entered: 10/16/2019).

No response was ever entered by the Government in regards to pending motion Document #222, MOTION entitled "Petitioner's third Motion for Sanctions, Motion for Default Judgment in 2255 case and to Vacate Judgment that was in



Plaintiff/Respondent's favor" filed by BRIAN DAVID HILL. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Supplement 1, # 12 Envelope – Front and Back) (Garland, Leah) (Entered: 11/21/2019).

Petitioner hereby submits new evidence that was not previously filed in this Court before and would be considered new evidence which counters the “Judgment and Revocation” (Doc. #200, Filed: October 7, 2019) proving even further that the judgment revoking the Supervised Release of Petitioner Brian David Hill is even further based upon fraud upon the court. Fraud upon the court as there was no intent to commit indecent exposure, no intent to commit any obscenity, or both. The evidence further proving that the Martinsville Police Department refused and/or failed to conduct a reasonable thorough investigation before deciding to charge Brian David Hill on September 21, 2018, with indecent exposure under Virginia Code § 18.2-387 in the Martinsville General District Court. The additional evidence proves even further that “evidence fails to show that Appellant” aka Brian David Hill “acted intentionally to make an obscene display or exposure of his person” as Attorney Edward Ryan Kennedy had argued before the U.S. Court of Appeals for the Fourth Circuit. See his arguments in appellant brief document: USCA4 Appeal case no.: 19-4758, Doc: 21, Filed: 12/19/2019.

The evidence attached thereto under **Exhibit 1** shows photograph exhibits of what was filed in the Petition/Motion for Writ of Error Coram Nobis/Vobis”, case no. CL20000089-00 that was filed this year on March 16, 2020 in the Circuit Court of Martinsville. Even though it was denied later on April 10, 2020 without an opinion from the Hon. Giles Carter Greer, it shows photographs of an envelope that was mailed to the Police Chief G. E. Cassady from the City of Martinsville Police Department. That envelope was signed for by G. E. Cassady. A fax was sent to Martinsville Police Department on how important signing for the envelope was and that he needed to pick it up due to it having important evidence that had needed to be investigated. See **Exhibit 2** for the photocopy of that fax letter that Martinsville Police Department had received before Chief G. E. Cassady had personally signed for that envelope. Martinsville Police never investigated any of the evidence in the envelope, has the evidence will forensically show that the envelope was never even opened up. The envelope contained the original letter, and a copy if that letter was filed with this Court on July 22, 2019, as Document #181, “DECLARATION entitled "Evidence Declaration of Brian David Hill Regarding Carbon Monoxide and Letgter to Martinsville Police Chief in Opposition to



Government's/Respondent's Documents # 156 , # 157 , # 158 , # 159 , and # 160 " filed by BRIAN DAVID HILL. (Attachments: # 1 Exhibit 0, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Envelope – Front and Back) (Garland, Leah) (Entered: 07/22/2019)". That letter was mailed out to Martinsville Police Department before the Doc. #186 revocation hearing on September 12, 2019.

Brian David Hill, the Petitioner, has this envelope that was signed for by the Police Chief G. E. Cassady. Petitioner states under oath or affirmation why this is possible. Petitioner will explain how he has the envelope, the very envelope that was mailed to Martinsville Police Department with evidence for them to investigate regarding the indecent exposure incident and charge on September 21, 2018. The truth is there was no investigation into any of that evidence, the envelope was never even opened, Petitioner's court appointed lawyer Matthew Clark never told him about the envelope being in his possession, as Petitioner discovered the sealed envelope to the Police Chief of Martinsville in case files that Brian had requested from Matthew Clark's office when Brian had decided to timely appeal his conviction of indecent exposure due to Matthew Clark begging Brian and his family to withdraw the appeal and accept the decision of guilty in the General District Court. However, Brian didn't know that his lawyer had lied to him and his family or deceived him by failing or refusing to notify Brian of the envelope that Brian intended to mail to Martinsville Police Department therefore waiving attorney/client privilege. It is Brian's constitutional and legal rights, as a citizen of Martinsville, Virginia, to report evidence of a crime or evidence of an incident to his local Police Department when new evidence surfaces. It is the duty of Martinsville Police to investigate new evidence mailed to them. It is a dereliction of duty at best, corruption at worst.

I also would like to present a filing and it's attached evidence from a federal lawsuit from the Western District of Virginia to this Court as I do not want to refile the entire Writ of Error Coram Vobis/Nobis document and evidence as it would be redundant. So, I would like to introduce Document #2-2, case of Brian David Hill v. Glen Andrew Hall, Esq., et al., case no. 4:20-cv-00017, Western District of Virginia.

**DECLARATION:**



I Brian David Hill had typed up a letter and attached exhibits to that letter that was to be directed to the Police Chief of Martinsville Police Department, letter dated Thursday, July 18, 2019, and I had requested that Officer Robert Jones, aka the one who initially investigated the incident and charged Brian David Hill with indecent exposure on September 21, 2018, be the one to also receive a copy (by "CC:") of my letter and attached exhibits with the intent of wanting an investigation into this. I had apologized to the police for cussing them out on September 21, 2018, and explained to them that I had no knowledge of carbon monoxide gas that was flowing into my Apartment and once I had the evidence showing that multiple symptoms were documented showing evidence of potential carbon monoxide poisoning, that I thought it should be made available to the criminal investigator who had arrested me for indecent exposure as I was charged under Virginia Code § 18.2-387. I have the return receipt which proves that the envelope was signed for by Police Chief G. E. Cassady on August 7, 2019.

After I had faxed the Martinsville Police Department (See Exhibit 2) asking for the Chief of Police to sign for the envelope, I got a return receipt back proving that he had indeed signed for the envelope back in 2019. That was before the Final Supervised Release Violation hearing that had been scheduled for September 12, 2019. I had assumed that the envelope had been read and that there was some sort of an investigation into my claims of carbon monoxide, and that chimney expert Pete Compton would be questioned by Martinsville Police to verify my claims to the Police Department in that letter giving a good reasonable explanation why I was out butt naked on the Dick and Willie hiking trail at nighttime on September 21, 2019. I couldn't give that explanation on the day that I was charged because I did not know that I had been subject to carbon monoxide poisoning or gas until my family had notified me while I was being mentally evaluated by Dr. Dawn Graney of the Federal Correctional Institution 1 ("FCI-1") in Butner, North Carolina.

Later I found out that my assumptions were way off when I discovered that the envelope that I had mailed to the Police Chief had never even been opened and I will explain to this court herein how I indeed know this and how I can prove it.

After the hearing on September 12, 2019 before the Hon. Thomas David Schroeder in the Winston-Salem U.S. District Court, my ineffective counsel Matthew Clark in my Virginia criminal case (for the indecent exposure) had kept pressuring me to withdraw my appeal and trial de novo in the Circuit Court and accept the decision in the lower court which that influence came directly after I was revoked of my



Supervised Release on September 12, 2019 at the hearing. My Attorney Matthew Clark had been informed of the decision in the federal court regarding the revocation and then he started pressuring the pestering me and my family to have me withdraw my appeal and give up on me fighting for acquittal in my state criminal case. That was indeed caused and influenced by that decision on September 12, 2019. If my court appointed lawyer Matthew Clark had known that proving my technical innocence to my charge of indecent exposure would play a role in me possibly not being revoked of my Supervised Release sentence, Matthew Clark may not have advised me to withdraw my appeal in state court. So that decision may have completely influenced my Attorney in such a negative and ineffective way in my opinion.

Anyways, I had faxed Matthew Clark's office a letter asking for my case files as I was pursuing my Writ of Habeas Corpus direct collateral attack on my wrongful conviction of indecent exposure that was caused and influenced by me being revoked of my Supervised Release on September 12, 2019. I still had not known of the envelope being in Matthew Clark's possession until I had picked up the case files at Matthew Clark's office. His assistant that works at his Martinsville law office, gave me the case files. I took them back home at 310 Forest Street, Apartment 2, Martinsville, VA 24112 to examine the contents of the case files. I saw the envelope and was baffled why the envelope that I had originally mailed to the Police Chief G. E. Cassady was in my Attorney's case files that were given to me.

I noticed some writing on it "Turned over to CA 8/7/2019 1455 hrs", "N.L 7-22-19 won't be back till 8-1-19" and from what I could tell it appeared to me that my envelope was turned over to the Commonwealth Attorney on August 7, 2019 and then the Commonwealth Attorney turned over the envelope to my court appointed Attorney Matthew Clark without ever opening its contents and he had never informed me verbally that he had received my envelope that was mailed and directed to Martinsville Police Department to investigate the evidence contents inside. Matthew Clark never informed me in writing that he had received my envelope that was mailed and directed to Martinsville Police Department to investigate the evidence contents inside. Even my own lawyer Matthew Clark never opened up the envelope to see what I had attempted to mail to Martinsville Police Chief and why I would mail it without going through my lawyer. He never acknowledged that I had waived attorney/client privilege when mailing evidence to Martinsville Police Department, and that I have a right to report a crime or any



evidence relating to a possible crime or investigation to my local Police Department as a citizen of that locality. Martinsville Police Department had failed me and by not conducting a thorough investigation they cannot just make assumptions regarding intent of indecent exposure or even obscenity when they failed and/or refused to investigate any evidence I had sent them by mail or had wanted to send them but was blocked from doing such.

My lawyer Matthew Clark never investigated the contents inside that envelope, Martinsville Police Officer Robert Jones never investigated the contents inside that envelope prior to the Revocation Hearing on September 12, 2019, at the Winston-Salem North Carolina federal courthouse, the Martinsville Police of Chief never investigated the contents inside that envelope, and even the Commonwealth Attorney who had prosecuted the charge of indecent exposure never investigated the contents inside that envelope. That envelope had clear and convincing factual evidence that was more provable than my claim in 2018 as to a man wearing a hoodie directing me to take my clothes off and take pictures of myself. I had a document my mother had printed for me regarding a National Institutes of Health ("NIH") medical study regarding acute carbon monoxide poisoning and the symptoms. The symptoms had I believed matched my weird and bazaar behavior on September 21, 2018. A month after I was arrested, I was diagnosed with "psychosis" which is a symptom of carbon monoxide poisoning according to the NIH article. Later on, I found evidence that my resting blood pulse was over 100 while I was at the Hospital on September 21, 2018, the day that I was arrested and had been arrested after being discharged from the Hospital. When a resting blood pulse is recorded as to being over 100, it is medically known as Sinus Tachycardia. That is also a symptom known to have been exhibited by those exposed to carbon monoxide gas poisoning. The Sovah Hospital medical record I had requested of the date of September 21, 2018, the medical record of myself of being examined at the Hospital before I was arrested by Martinsville Police, showed two times an abnormal resting blood pulse. One number from the record showed around 4:09AM was "Pulse 119" and around 5:01AM was "Pulse 106" (Doc. #181-11, Page 6 of 8). That was filed under Document #181-11, dated July 22, 2019, a few months before the final revocation hearing. That proves to this Federal Court in this case that I, Brian David Hill, was wrongfully discharged from the Hospital into Martinsville Police custody and then to Martinsville City Jail regarding my charge of indecent exposure. I should not have been medically cleared. They released me when records show that I had multiple abnormally high resting blood pulse, and



yet they drew blood from my arm which is evident when they were prepared to conduct laboratory testing but then cancelled them and likely threw my blood away. They put in the medical record "Corrections: (The following items were deleted from the chart)". So, they drew my blood which would have had the biological evidence and the levels which could have proven the levels of Carbon Monoxide ("CO") poisoning in my blood but they threw it away. I had told my first state court appointed lawyer Scott Albrecht in my criminal case that I felt I was drugged and blacked out while I was on the Dick and Willie hiking trail when I was naked. I asked for the drug test results and asked for a drug test but my court appointed lawyer Scott Albrecht never did any such thing and ignored my requests even though that would have proven me actually innocent of indecent exposure as the carbon monoxide would show an abnormality of my health during the indecent exposure incident. More than likely that evidence would have been brought up at the General District Court and may have led to a not-guilty verdict. If the Circuit Court had heard of this evidence at the jury trial that had been planned for December 2, 2019, the Jury would have likely voted not-guilty on the factual basis that there was no intent to be indecent and that the carbon monoxide was a lawful reason or excuse to have conducted the weird and bazaar behavior on September 21, 2018, that I had not exhibited previously and had not exhibited such behavior after that incident as the source of what had caused the carbon monoxide to reportedly enter by Apartment in 2018 was reportedly removed by Pete Compton the chimney expert that I wanted to testify at the Final Revocation Hearing on September 12, 2019, but Attorney Renorda Pryor never asked him to testify as an expert witness or as a witness at all.

With all of this cumulative evidence I had on carbon monoxide, it is clear that I was suffering under its effects when I was naked on the Dick and Willie hiking trail on September 21, 2018, and would explain my abnormal, bazaar and weird behavior. It is clear to the best of my knowledge when asking my family to research about carbon monoxide symptoms and effects that carbon monoxide affects the brain and can cause anywhere from hallucinations to psychosis to not making any sense when interviewed or interrogated.

I also had filed four affidavits which is one from myself (Document #216-2), one from Stella Forinash (Document #216-3), one from Kenneth Forinash (Document #216-4), and one from Roberta Hill (Document #216-1). Whether or not the Court would agree as to the omissions in the official transcript of the proceeding dated September 12, 2019, we all know that there were things that the U.S. Attorney's



witness Officer Robert Jones (as listed under Document #186 on Exhibit and Witness List) did not find in my backpack when I was arrested on September 21, 2018. I did not have my glucose tablets with me that night. I did not have my insulin pens with me that night. I did not have my diabetic glucose monitor with me that night. Also, the trial Exhibits and Witnesses listed under Document #186 have a statement that is incorrect and there is no evidence ever proving a certain entry. It said “(Sealed) Thumbnail Photos from Defendant’s Phone”. There was no phone that was seized by Martinsville Police Department but was a camera according to the search warrant affidavit I had seen in my state case. So that was incorrect and I hope that gets corrected on the record. Yeah, I did not have any of my necessary diabetic equipment. I did not have any cell phone with me on the night that I was out on the Dick and Willie trail on September 21, 2018, otherwise the Police could have found things like for example: emergency contacts. They did not find any evidence of me even being diabetic. Officer Robert Jones did not find things in my backpack that I normally would have in my backpack when I go hiking with my mother and caretaker Roberta Hill.

My mother and caretaker Roberta Hill are also paid to be my caretaker under Virginia Medicaid program Consumer Direct, formerly known as Public Partnerships. She is paid for a certain number of hours to help manage my diabetes and supervise me when I manage my diabetes. What I mean by that is there are times when I can do my own insulin shots and drink glucose beverages to help manage my diabetes. There are times when I cannot manage my own type one brittle diabetes and sometimes, I can be incapacitated due to my low blood sugar. During those times my caretaker does whatever she can to give me glucose whether it be with honey or marshmallows or icing. That is to bring my low blood sugar back up either to stop my diabetic seizure to get me back to normal or to prevent a diabetic seizure from coming. So, I cannot fully take care of myself. That is why I have a Medicaid paid for caretaker.

I did remember something from the day of the hearing on September 12, 2019, about Attorney Renorda Pryor asking Officer Robert Jones if he knew I was diabetic and he did not know I was diabetic, as if the Officer was shocked and did not know as he was never told but rather I told him that I had Autism but forgot to tell him that I had type 1 brittle diabetes which is unlike me. The fact I didn’t even mention an important medical health problem before and during my arrest tells me that I wasn’t thinking properly and didn’t understand why I was not thinking properly that night. I had sinus tachycardia at the Hospital but was discharged



without the Hospital ever finding out why, pushing to order laboratory results but then cancelling them. The Hospital never should have medically cleared me, it was inappropriate and they should have held me under observation and should have held me until they had figured out why I had sinus tachycardia on two different readings of my resting blood pulse. The Officer I forgot to have told him that I had type 1 brittle diabetes. I had no cell phone, no diabetic insulin, no glucose tablets, no diabetic blood sugar reader, and no emergency contact information. I was clearly not thinking straight. Out in the middle of the night, butt naked on a deserted hiking trail, I was spotted at one point of the hiking trail where a road with cars can see the hiking path, all that person saw was a naked man running and not doing anything sexual and probably out of concern for that person's safety had called 911. I written letters to the Court in 2018 saying things that made no sense and saying to people that I thought I was drugged and blacked out while I was on the trail. All of this I am willing to admit under oath or affirmation to the Court. I clearly had no men's rea when I was charged on September 21, 2018. It doesn't make any logical sense to have no diabetic supplies in my backpack when I was arrested by Officer Robert Jones. He didn't know when he arrested me that I was a type one brittle diabetic because I only remember telling him about me having Autism Spectrum Disorder. The Hospital clearly did not educate that officer about my medical problems. That Hospital clearly erroneously discharged me as I never should have been medically cleared according to the hospital record dated September 21, 2018. Two high resting blood pulse readings which is considered tachycardia which is a sign of possibly more serious medical health issue and they released me to be thrown in jail without bond/bail then they even knew why and how I would have sinus tachycardia. The claim by the U.S. Probation Office or U.S. Attorney Office or Prosecutor in the state case that claimed I was medically cleared is and should be without merit. I was prematurely discharged but it is too late for me to file a lawsuit under the civil statute of limitations in the Commonwealth of Virginia but I wanted to sue that Hospital for medical neglect. Instead I will show evidence to this Court that there is no intent to indecently expose and there is no intent to being obscene. A Hospital that did not investigate the tachycardia readings and cancelled the laboratory tests that would have proven the levels of carbon monoxide which could have led to no criminal charge by the Commonwealth of Virginia, my Probation Officer would have been informed of the levels of carbon monoxide and I never would have had to worry about facing a revocation over what had happened. The Police Department of Martinsville had failed me, the Hospital had failed me. I didn't fail myself, I wasn't thinking clearly,



like I was half thinking. I never should have been held criminally culpable to the extent pushed by the U.S. Probation Officer and by the U.S. Attorney Office. That was wrong and clearly is an erroneous revocation. If this Court cannot undo its miscarriage of justice done on September 12, 2018, then I will ask the President of the United States Donald John Trump for a full unconditional pardon over my probation violation in regards to what had happened on September 21, 2018 (Doc. #156, #157, #158). The President has the absolute right to grant pardons and reprieves. If the President feels that the U.S. District Court did wrong in one of its judgments in a criminal case and created a permanent miscarriage of justice that cannot be undone and cannot be remedied, then I believe the President has the right to pardon me of that probation violation and relieve me of the consequences of what had happened since it is not my fault. Carbon monoxide is not my fault and I cannot help how it had affected me. It affected me to the extent where I was out on a hiking trail at night, butt naked, without my necessary medical supplies on September 21, 2018. If this Court cannot have any sympathy to the evidence and facts I have demonstrated before this Court then maybe the President of the United States will correct this fraud, the fraudulent begotten judgment under Document #200. The President of the United States, I will request that he intervene in his case even if I have to ask each and every member of the Donald Trump family to forward my request personally to the President himself to grant me a pardon or reprieve for this wrongful supervised release violation and revocation.

Also, it should be noted for this Court that on September 21, 2018, the Sovah Hospital of Martinsville who acted as though I was medically cleared which was also claimed by the U.S. Probation Office for my indecent exposure charge if I had recalled that Arrest Warrant and charge Declaration correctly, that they never checked my diabetic blood sugar on September 21, 2018, as far as the record was concerned. There is no evidence on the September 21, 2018, that my diabetic glucose was checked before I was discharged to Police/Jail. Diabetes does play a major role of my behavior in my life. Even the U.S. Marshals know that diabetes can affect behavior as one of them had told me in 2015. Part of the evidence submitted to the Martinsville Police Department that was attached to the letter that they never read because they had never opened up the original envelope that I have in my possession after that Police Chief months ago had signed for that envelope and gave it up, showed that Sovah Hospital saw multiple times that I had tachycardia but never further investigated and never checked my diabetic blood sugar.



See Document #181-3, Filed 07/22/2019, Page 5 of 5. That medical record said "POC GLU" which was "429" at around "1006" and "435" around "0943". Both were extremely high blood glucose readings. That was around November 19, 2017. My diabetic blood sugar reading was checked around that admission to that same Hospital.

Then according to Document #181-11, Filed 07/22/2019, Page 5 of 5. That medical record dated September 21, 2018, said "04:48 28-year-old male with diabetes and autism presents for evaluation..."

It said on Page 8 of 8, of that federal court case record, "04:52 09/21 04:52 09/21/2018 04:52 Discharged to Jail/Police. Impression: Abrasion, right knee; Abrasion of unspecified front wall of thorax. Condition is Stable." That contradicts the tachycardia readings on Page 6 of 8 which again is Document #181-11. When tachycardia is present which is an abnormally high resting blood pulse and it had lasted for about proximately almost an hour on record, to say my condition is stable is not true. They failed and because of that I can never ever get the levels of carbon monoxide poisoning and thus ineffective counsel and medical neglect by the Hospital and lying that my health was cleared or just simply being incompetent has violated my Constitutional and/or legal rights. I never should have been revoked of my supervised release. This is an extreme and unusual circumstance.

Here are some quoted information from the medical records submitted on federal court record

Document #181-11, Filed 07/22/2019, Page 6 of 8, "Vital Signs":

It said "04:09 BP 124 / 86; Pulse 119; Resp 19; Temp 98; Pulse ox 98% ; Weight 99.79 jt kg; Height 6 ft. 0 in. (182.88 cm); Pain 0/10;"

It said "05:01 BP 119 / 80; Pulse 106; Resp 16; Temp 98.2; Pulse Ox 99% ; Pain 0/10; jt"

From what it said from around 4AM to 5AM I still had exhibited a resting blood pulse of over 100, a long period of time to have tachycardia and the Hospital never got the levels and never investigated as to even why, that is serious medical neglect, irresponsible behavior for the medical profession, and/or is extreme incompetence. Document #181-3, Page 4 of 5: shows I had sinus tachycardia due to my resting blood pulse being over 100. That was on Sunday, November 19, 2017. At that date period, I had a fall and blood was coming out of a part of my head because of that fall. Ambulance was called but because my OCD was really



bad at about that time, I insisted that I head to the Hospital voluntarily. Then it took me about an hour or more doing my OCD routine. Not knowing that the more hot water I had used up in my routine, that even more carbon monoxide was coming into my Apartment and my mother's Apartment. That would explain to the Hospital why I had Sinus Tachycardia. Same as me having Tachycardia at around 4AM and 5AM around September 21, 2018, but the Hospital was lazy enough and stupid enough to not complete the laboratory tests after drawing my blood and thus they never got the levels of carbon monoxide which would have been a defense to my charge of indecent exposure. Then when I got to the Hospital hours after the ambulance came and left after I insisted that I do my OCD routine before going to the Hospital, they found evidence that I had sinus tachycardia. The Hospital was ignorant, incompetent, stupid, and ruined my life on September 21, 2018, when they let me go to jail with evidence in my blood which would have exonerated me and acquitted me.

If this U.S. District Court cannot acquit me even after this affidavit as to my carbon monoxide poisoning and the Police refusing to look at evidence in a manilla envelope mailing, then I have no choice but to peaceably go to every family member of President Donald J. Trump to petition them and beg them to contact the President directly and have me granted an unconditional full pardon for my supervised release violation for the incident on September 21, 2018. The President has the power to pardon me for any federal charges. As for the state, it will be up to the Governor to pardon me or the State Court to acquit me. However, the President does have the right to grant pardons and reprieves for any federal punishments that I receive, therefore the President has the absolute right to pardon me for my probation violation and I will push for a pardon if the Court cannot fix this miscarriage of justice.

### **EXHIBITS**

I also attach hereto as **Exhibit 1**, a true and correct copy of the photographs that was submitted to the Circuit Court as part of the Motion/Petition for Writ of Error Coram Vobis/Nobis. As well as two photocopy scans of the return receipt showing that it was signed for by Police Chief G. E. Cassady, and was under restricted delivery. It shows the envelope to Police Chief G. E. Cassady that was signed for by Police Chief G. E. Cassady on August 7, 2019, but was turned over to the Commonwealth Attorney and then to my court appointed lawyer who did nothing with it while badgering me and my family to accept the guilty verdict of the



General District Court. He ignored valuable evidence and refused to ask Martinsville Police to investigate any of it. Both of my state court appointed lawyers Matthew Clark and Scott Albrecht did nothing to ask for the Police Body camera footage which also could have been useful to evaluate my eyes to determine if I was under the influence of any drugs or substances. Both lawyers were ineffective and damaged by defense in the state case to such extent where proving my factual innocence may or may not be impossible. They refused to investigate my claim that I was drugged. I had agreed to a drug test that was never conducted by Martinsville Police and never requested by any of my court appointed lawyers in my Virginia state case. They never asked for the body-camera footage and then Matthew Clark told me in 2019 that the footage may likely be destroyed now because of the retention period. I sent multiple letters, one was certified mail by my family where I kept asking for the body-camera footage and my court appointed lawyers in my state case knew I wanted the body-camera footage and they never asked for it as evidence and they allowed it to be destroyed. That is what led to me falsely accepting the decision of guilty in the Martinsville General District Court. My lawyers allowed potential evidence favorable to me as a defendant to be destroyed by the Police Department. They allowed the Martinsville Sovah Hospital to destroy evidence such as drawing blood from my veins. They violated my legal rights under the Americans with Disabilities Act, Title II. They violated my rights as a criminal defendant. My court appointed lawyers in my state case didn't want to do anything that could have prevented my revocation of supervised release in my Federal case by allowing favorable evidence to be destroyed and allowing any facts that could have helped me also be destroyed. My ineffective counsel ruined my life and allowed the fraud of indecent exposure to become a permanent criminal record against me and they won't even apologize for what they had done to me. **Exhibit 1** contains 5 pages of evidence which should be filed in COLOR by the deputy Clerk.

I also attach hereto as **Exhibit 2**, a true and correct copy of the original fax that I had transmitted to the Martinsville Police Department on August 7, 2019. I have this original because I assumed that it was also turned over to the Commonwealth Attorney and then to Matthew Clark, my court appointed lawyer, and that is how I am in possession of this original fax record. **Exhibit 2** contains 1 page of evidence in black and white. I have the original fax record in my possession as well.



This evidence should be sufficient to prove that the U.S. Attorney Office for the Middle District of North Carolina had wrongfully prosecuted a questionable and possibly fraudulent charge of violating supervised release as the Martinsville Police Department was allowed to destroy their body-camera footage of what had happened on September 21, 2018, because my court appointed lawyers never fulfilled my requested as the client for the body-camera footage. Scott Albrecht should be sued or held legally responsible in Virginia for this blatant ignorance to allow spoliation of evidence which may be useful in proving that I had no intent (mens rea) to indecent exposure and potential carbon monoxide symptoms. The U.S. Probation Office never should have pushed for revoking my supervised release and should have given me a chance to have me be found not-guilty in the state court. This prosecution led to such a miscarriage of justice that blood evidence was destroyed, body-camera footage was destroyed, and all of that evidence being destroyed was allowed by both the Commonwealth Attorney Glen Andrew Hall (that jerk!!!!) and the Defense Attorney Scott Albrecht and had this evidence been brought up I likely would not have been found guilty of indecent exposure at the General District Court of Martinsville.

I feel I had been wrongfully convicted in the state court on December 21, 2018, I was deprived of due process of such egregious circumstances. I was wrongfully allowed by my own court appointed lawyers to have allowed evidence to be destroyed that may have been beneficial to me proving that I had no intent of indecent exposure, no intent of obscenity and should not have been revoked of my supervised release.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 2, 2020.

Respectfully filed with the Court, this the 2nd day of November, 2020.

Respectfully submitted,

Brian D. Hill  
*signed*

Signed

Brian D. Hill (Pro Se)  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112



Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp  
I ask Qanon and Donald John Trump for Assistance (S.O.S.)  
Make America Great Again

Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that “The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases”. Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail.  
Thank You!

#### CERTIFICATE OF SERVICE

Petitioner/Defendant hereby certifies that on November 2, 2020, service was made by mailing the original of the foregoing:

“DECLARATION OF BRIAN DAVID HILL AND NEW EVIDENCE IN  
SUPPORT OF PENDING MOTION UNDER DOCUMENT # 206  
REQUESTING SANCTIONS”

by deposit in the United States Post Office, in an envelope, Postage prepaid, on November 2, 2020 addressed to the Clerk of the Court in the U.S. District Court, for the Middle District of North Carolina, 324 West Market Street, Greensboro, NC 27401.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office	Angela Hewlett Miller U.S. Attorney Office
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Civil Case # 1:17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 <a href="mailto:Anand.Ramaswamy@usdoj.gov">Anand.Ramaswamy@usdoj.gov</a>	Civil Case # 1: 17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 <a href="mailto:angela.miller@usdoj.gov">angela.miller@usdoj.gov</a>
JOHN M. ALSUP U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 <a href="mailto:john.alsup@usdoj.gov">john.alsup@usdoj.gov</a>	

This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

<p>Date of signing:</p> <p><u>November 2, 2020</u></p>	<p>Respectfully submitted,</p> <p><u>Brian D. Hill</u> Signed</p> <p>Brian D. Hill (Pro Se) 310 Forest Street, Apartment 2 Martinsville, Virginia 24112 Phone #: (276) 790-3505</p> <p><b>U.S.W.G.O.</b></p> <p>I stand with QANON/Donald-Trump – Drain the Swamp I ask Qanon and Donald John Trump for Assistance (S.O.S.) Make America Great Again</p>
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Friend's justice site: [JusticeForUSWGO.wordpress.com](https://JusticeForUSWGO.wordpress.com)  
[JusticeForUSWGO.NL/Pardon](https://JusticeForUSWGO.NL/Pardon)

[JusticeForUSWGO.NL/Pardon](https://JusticeForUSWGO.NL/Pardon)

[JusticeForUSWGO.wordpress.com/Pardon](https://JusticeForUSWGO.wordpress.com/Pardon)





Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 11/2/2020 Time: 2:48:23 PM  
Number of pages: 31 Session duration: 1:17:26  
Attn.: Commonwealth Attorney To: Commonwealth Attorney  
Recipient's number: T1-276-403-5478 Message type: Fax  
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\W\_Attachment (2020-11-Error Correction: Yes  
File description: VA NOTICE of FRAUD UPON THE COURT(3)OCR-Signed-W\_AResolution: 200\*200 dpi  
Recipient's Fax ID: 12764035478 Record number: 8323  
Rate: 14400 bps

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>Brian David Hill,</b>	)	<b>NOTICE OF FRAUD UPON THE</b>
	)	<b>COURT</b>
<b>Defendant,</b>	)	

**NOTICE OF FRAUD UPON THE COURT**

COMES NOW civil Writ of Habeas Corpus Petitioner Brian David Hill ("Brian", "Hill", "Petitioner") respectfully files this NOTICE OF FRAUD UPON THE COURT.

The Defendant attaches the evidence of what he is filing with the U.S. District Court concerning the incident on September 21, 2018, in relevance to this exact case.

ATTACHES: "DECLARATION OF BRIAN DAVID HILL AND NEW EVIDENCE IN SUPPORT OF PENDING MOTION UNDER DOCUMENT # 206 REQUESTING SANCTIONS" – 24 PAGES

WHEREFORE, the undersigned Defendant files further evidence showing FRAUD UPON THE COURT as follows:

1. That the original charge on September 21, 2018, and the trial on December 21, 2018, prosecutor Glen Andrew Hall, Esq., prosecuted the element of guilt that Brian David Hill was medically cleared as if Hill had a clean bill of health when evidence of medical neglect and lies show otherwise. They



# Exhibit 1

USWGO  
QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
UNITED STATES DISTRICT COURT CASE NO. 1:17-CV-1036  
MIDDLE DISTRICT OF NORTH CAROLINA

Exhibit in attachment to "DECLARATION OF BRIAN DAVID HILL AND NEW  
EVIDENCE IN SUPPORT OF PENDING MOTION UNDER DOCUMENT # 206  
REQUESTING SANCTIONS"

**Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court**

1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is responsible for the study. The investigator must first identify the problem and then determine the scope of the problem. The investigator must also determine the objectives of the study and the methods to be used. The investigator must also determine the resources available for the study and the time frame for the study.

THE UNIVERSITY OF CHICAGO

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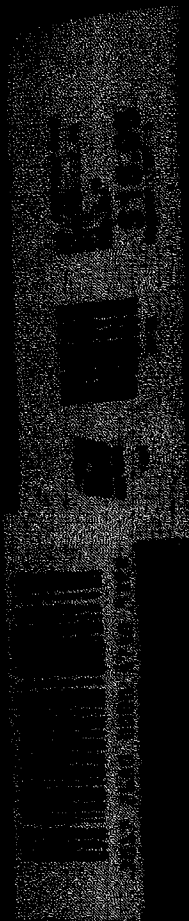


**2** **Bihar** **310 F** **1144**

RE \* 12 2



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court



ATTN: Police Chief G. E. Casady  
Martinsville Police Department  
55 West Church St.  
Martinsville, VA 24112





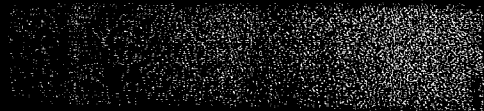
11/5/2020 1:15:32 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 28/ 32

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court



858



MARTINSVILLE  
1123 SPRUCE ST  
MARTINSVILLE, VA 24112-9998  
515652-0362  
(800) 275-8777  
07/19/2019 09:12 AM

Product	Qty	Unit Price	Price
PM 1-Day (Domestic) (MARTINSVILLE, VA 24112) (Weight: 0 Lb 13.30 Oz) (Expected Delivery Day) (Saturday 07/20/2019)	1	\$7.35	\$7.35
Return Receipt (USPS Return Receipt #) (9590940235277275749741)			\$2.80
Cert Mail RestrDel (Recipient name) (G E CASSADY) (USPS Certified Mail #) (70172680000057509122)			\$8.80
<b>Total:</b>			<b>\$18.95</b>
Cash			\$20.00
Change			(\$1.05)

Includes up to \$50 insurance

Text your tracking number to 28777  
(2USPS) to get the latest status.  
Standard Message and Data rates may  
apply. You may also visit [www.usps.com](http://www.usps.com)  
USPS Tracking or call 1-800-222-1811.

Save this receipt as evidence of  
insurance. For information on filing  
an insurance claim go to  
<https://www.usps.com/help/claims.htm>

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Track your Packages  
Sign up for FREE  
[www.informedelivery.com](http://www.informedelivery.com)

All sales final on stamps and postage.  
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Thank you for your business.

HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT  
POSTAL EXPERIENCE

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<https://postalexperience.com/Pos>

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your mobile device:



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Return Receipt (electronic) \$0.00

Certified Mail Restricted Delivery \$0.00

Adult Signature Required \$0.00

Adult Signature Restricted Delivery \$0.00

Postage \$7.35

Total Postage and Fees \$18.95

Sent to  
Street and Apt.  
City, State, ZIP

0362  
13  
Postmark  
Here  
JUL 19 2019  
07/19/2019

**ATTN: Chief G. E. Cassidy**  
**Martinsville Police Department**  
**55 West Church St.**  
**Martinsville, VA 24112**

**United States Postal Service**

9590 9402 3527 7275 7497 4J

**USPS TRACKING®**  
**9590 9402 3527 7275 7497 4J**

**USPS GO**  
Brian D. Hill  
310 Forest Street, Apt 1  
Martinsville, VA 24112

Sender: Please print your name, address, and ZIP+4® in this box.

**Brian D. Hill**  
*Signed*

**First-Class Mail**  
Postage & Fees Paid  
USPS  
Permit No. G-10



# Exhibit 2

USWGO  
QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
UNITED STATES DISTRICT COURT CASE NO. 1:17-CV-1036  
MIDDLE DISTRICT OF NORTH CAROLINA

Exhibit in attachment to "DECLARATION OF BRIAN DAVID HILL AND NEW  
EVIDENCE IN SUPPORT OF PENDING MOTION UNDER DOCUMENT # 206  
REQUESTING SANCTIONS"



Transmitted with Venta Fax & Voice software - <http://www.ventafax.com>



8/7/2019 2:16:06 PM From: Brian David Hill  
Attn.: Any authorized Agent to sign for Mail

Fax ID: 276-790-3505

Page 1/1

To: Martinsville Police Department

MARTINSVILLE  
1123 SPRUCE ST  
MARTINSVILLE, VA 24112-9998  
515652-0362  
(800)275-8777  
07/19/2019 09:12 AM

Product	Qty	Unit Price	Price
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<b>Total:</b>			<b>\$18.95</b>

Cash \$20.00  
Change (\$1.05)

Includes up to \$50 insurance

Text your tracking number to 28777  
(2USPS) to get the latest status.  
Standard Message and Data rates may  
apply. You may also visit [www.usps.com](http://www.usps.com)  
USPS Tracking or call 1-800-222-1811.

Save this receipt as evidence of  
insurance. For information on filing  
an insurance claim go to  
<https://www.usps.com/help/claims.htm>

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Track your Packages  
Sign up for FREE @  
[www.informedelivery.com](http://www.informedelivery.com)

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Refunds for guaranteed services only.  
Thank you for your business.

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<https://postalexperience.com/Pus>

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or scan this code with  
your mobile device:



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Extra Service & Fees select box, add fee \$0.00  
☐ Return Receipt Hardcopy \$0.00  
☐ Return Receipt Electronic \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00  
Postage \$7.35  
Total Postage and Fees \$18.95

0362 13  
Postmark Here  
JUL 19 2019  
07/19/2019

ATTN: Chief G. E. Cassidy  
Martinsville Police Department  
55 West Church St.  
Martinsville, VA 24112

7017 2680 0000 5750 9122

Very Important Evidence.  
Please sign for it Chief G. E. Cassidy.

I am sorry that it is restricted delivery but I wanted to  
make sure that the evidence was picked up by somebody in  
your Department.

Medical records/reports, statement from expert witness  
Pete Compton a chimney expert. Evidence of threatening  
greeting card that was received by a citizen of Martinsville.

A lot of important evidence that needs to be picked up and  
reviewed by the Police Chief and given to Officer R. D.  
Jones. Please sign for it. Thank you for your time and  
attention to this matter. Thank you for your service. God  
Bless. USPS rather it be picked up than redelivered. - Brian

For fax: 276.403.5306

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 11/05/2020 @11:07:05

ASHBY PRITCHETT, CLERK

TESTE: *Jennifer C. Cope*  
CLERK/DEPUTY CLERK



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Criminal Action No. CR19000009-00</b>
	)	<b>Civil Case No. CL19000331-00</b>
<b>v.</b>	)	<b>Civil Case No. CL20000089-00</b>
	)	
<b>Brian David Hill,</b>	)	
	)	
<b>Defendant,</b>	)	<b>SECOND NOTICE OF FRAUD</b>
	)	<b>UPON THE COURT</b>

**SECOND NOTICE OF FRAUD UPON THE COURT**

COMES NOW criminal defendant, civil Writ of Error Coram Nobis/Vobis Petitioner and civil Writ of Habeas Corpus Petitioner Brian David Hill ("Brian", "Hill", "Petitioner") respectfully files this SECOND NOTICE OF FRAUD UPON THE COURT.

The Defendant attaches the evidence of what he is filing in this case concerning Scott Albrecht being purely ineffective by allowing destruction of evidence that Brian David Hill sought as part of his right to discovery in his criminal case; was made aware that Brian David Hill wanted the body camera footage that was recorded by Officer Robert Jones on the night of September 21, 2018, and Scott Albrecht never asked to obtain the footage by litigation hold letter or subpoena despite repeated requests by Brian Hill and/or Eric Clark and/or his family for the body-camera footage. Scott Albrecht was Brian's court appointed attorney between the time he was appointed in September or October, 2018, and some point in June, 2019, Scott Albrecht had left the Martinsville Public Defender Office and Brian's lawyer was replaced with Lauren McGarry. However, for the issues that will be



raised here in this fraud upon the court evidence filing by Petitioner Brian David Hill, Lauren McGarry is a side issue and Brian will focus on Scott Albrecht.

Brian also attaches further evidence of potential fraud and deception in regards to the original charging officer Sgt. Robert Jones who had charged Petitioner Brian Hill on September 21, 2018. See EXHIBIT 2 for the proof. Exhibit 2 shows oral testimony that was transcribed during a Federal Court hearing concerning the Supervised Release Violation over the very same Virginia State Charge that was lodged against Brian David Hill on September 21, 2018. That this evidence is credible and relevant evidence to help demonstrate the fraud and explain how it is fraudulent.

TRANSCRIPT (Page 3 of EXHIBIT 2):

Q Okay. But as part of your investigation, have you been able to find out whether there were some threatening matters that was sent to him or his family?

A I have not heard anything of that, no.

Q But do you -- but you didn't do the investigation?

A No.

Right there cited from the Transcript proves to this Court that there was no thorough investigation. None of the officers of Martinsville Police Department ever asked Brian D. Hill or Roberta Hill to produce the evidence of the threatening greeting card that Brian had allegedly claimed. In fact, in the last "NOTICE OF FRAUD UPON THE COURT" and the very same photographs filed in Brian's Petition for Writ of Error Coram Vobis/Nobis, case no. CL20000089-00 evidence was filed showing that the envelope signed for by Police Chief G. E. Cassady was never even opened. It was turned over to the Commonwealth Attorney who also never opened the envelope. So again, this Martinsville Police Department had



refused to investigate any evidence in regards to Brian David Hill's claims that he was threatened to get naked and take photos of himself. It is hard to believe that they claim they could never find the guy wearing the hoodie, this "black man" wearing a hoodie when Brian trying to correct the record that he never said "black man" but said sounded like a white guy but wearing a "black hoodie". They got his alleged description wrong, they never investigated anything to even be worthy of proving to this Court that somehow Brian David Hill was wrong because they claimed they had never found a guy wearing a hoodie, but yet they admit they really conducted no actual thorough investigation. They never tested Brian for drugs. They never asked for the Laboratory results after the Sovah Hospital drew blood from Brian's veins. Now let's go back to the Transcript and see what else this witness Robert Jones had to say in regards to the indecent exposure charge/case.

TRANSCRIPT (Page 3 of EXHIBIT 2):

Q Did Mr. Hill -- when you approached him, did he tell you  
that he had autism?

A He did.

Q And do you guys -- does your -- I would say does your --  
does the department train you on how to approach someone with  
autism?

A We deal with some academy-wise and not much follow-up  
after that.

Q Did he also tell you that he was a diabetic as well?

A I do not recall him telling me that, no.

Q Did he tell you that he was also OCD?

A Not that I recall.



Q And when you took him to the hospital, did they admit him  
into the hospital that night?

A No, they cleared him medically and psychologically and  
released him to us.

Q Okay. Did you get those reports from -- the medical  
reports?

A No, I did not do a subpoena for his hospital records.

Still that was pretty lousy for an investigator or police officer who was supposed to conduct a reasonable and pretty thorough investigation before considering a criminal charge against somebody that can potentially ruin somebody's life like that of Brian David Hill. Never subpoenaed for his Hospital Records when Brian made multiple claims that he thought he was drugged yet nobody actually wanted to verify whether Brian David Hill was telling the truth on being drugged or not. Didn't even know that Brian was diabetic even though the Jail would know. Diabetes does affect the behavior of somebody. Low blood sugar can impair brain functions and make somebody appear to be confused and/or drunk. The Hospital never actually checked for Brian's blood sugar before Brian was arrested, had exhibited tachycardia but was not committed to the Hospital to even try to find out why. This whole criminal investigation was very sketchy and should not have been prosecuted to such an extent where Glen Andrew Hall, Esq., had clearly taken it. He does not care about the truth, he does not care about the facts, all he cares about is winning each and every one of his cases to make his prosecutorial record look good for if he ever went into private practice with such a good looking record.

TRANSCRIPT (Page 4 of **EXHIBIT 2**):

Q Okay. Did you speak to a doctor or anyone regarding his



condition or anything of that nature that night?

A We -- other than just checking with him to see if they were going to be releasing him or admitting him, no.

Q Do you recall any tests that were taken that night besides just checking, I believe you said, his knee?

A No, ma'am. Like I said, when we -- we also checked him for mental health issues is the reason why they cleared him psychologically, to make sure there was nothing going on there.

Once they do that, they do lab work and other stuff. I didn't ask about his medical history.

Q Was there any tests dealing with his blood alcohol content or anything of that nature?

A I don't know if they did. Like I said, I did not get his records. They normally do, but I do not have that.

That is interesting that the Police Officer said that they normally "do lab work and other stuff." And yet the Sovah Hospital did no Laboratory Work and threw away the blood vials, that itself is fraudulent as they said Brian David Hill was medically cleared, had fooled ignorant Officer Robert Jones into believing that "they do lab work and other stuff" but the evidence showed that they neglected to even do such. That itself is fraudulent. NO MEDICAL LAB TESTS while Officer Robert Jones thought they medically cleared him and did the laboratory work.

UNBELIEVABLE!!!!!!! Why Brian would falsely withdraw his appeal when his ineffective counsel Matthew Clark was not going to bring any of these issues up when all of that would have shown a defect in the elements that were prosecuted by Glen Andrew Hall, Esquire, the Commonwealth Attorney of Martinsville. Officer Jones who would have testified at Brian's scheduled "Jury Trial" would have likely made the same statements that he assumed that lab tests were done and



other stuff but then the Sovah Hospital released Defendant Brian David Hill to Jail without laboratory tests while Officer Robert Jones was convinced that they did. That is serious poopooing of an investigation. The Officers were clearly ignorant and this was not a thorough investigation worthy of prosecuting this very criminal case. If Brian had a half-decent court appointed lawyer or even a private lawyer, all of this would have been brought out and Brian David Hill would have been found not-guilty in the General District Court or even the Circuit Court.

I don't care what justification CORRUPT COMMONWEALTH ATTORNEY Glen Andrew Hall has to say here. Brian was NOT IN FACT medically cleared. Does neglecting to conduct the laboratory tests and the Police Officer not even knowing what the potential lab results were when they were never done behind the scenes sound like a true medical cleared?

Does neglecting to check Brian's diabetic blood sugar glucose sound like a true medical cleared?

Does neglecting investigate why Brian had multiple "Vital Signs" showing abnormally high resting blood pulse of over "100" which its medical term is called "tachycardia", ask any medical Doctor about this term, does that sound like a true medical cleared?

Brian was NOT medically cleared by the standards that clearly should have been set here. A police officer who thought Brian was medically cleared, that he was A-Okay to be charged with indecent exposure and have his Supervised Release Revoked, thought lab tests were done and other stuff but he assumed WRONG. It was NOT TRUE. There is clear fraud upon the court since the very beginning of this prosecution by Glen Andrew Hall, Esquire. There clearly needs to be an ACQUITTAL of Brian David Hill of this charge. Brian can't go back in a time



machine and ask the Hospital to conduct thorough laboratory tests, the evidence destruction is too late and NOT Brian's FAULT by any means. This Court clearly needs to reexamine the entire prosecution and guilty verdict on December 21, 2018. This guilty verdict is clearly erroneous. How much evidence must Brian mail to this Court, FAX to this Court, before this Court corrects the wrongful conviction of Brian David Hill?

**EXHIBIT 3** clearly shows an email addressed to Attorney Scott Albrecht in regards to "*Obtaining body cam footage through discovery*". That proves Brian David Hill wanted his court appointed lawyer to obtain the body-camera footage as part of his Brady materials aka Discovery materials in his criminal case.

It appears that Brian's family received Brian's messages through SmartJailMail from Western Virginia Regional Jail and Brian wanted this information to be emailed or faxed to Scott Albrecht:

**EXHIBIT 3** Quote: "I will file a motion for Writ of Actual Innocence and motion for new trial pursuant to Virginia Code Sec. 19.2-265.4 a failure to provide discovery in Misdemeanor and felony cases. The bodycam footage and 911 recording is another one. I will fill out the ADA Accommodation form for my Circuit Court case on January 28, 2019."

So, Brian's lawyer Scott Albrecht had sat on potential Brady evidence material that had become spoliated aka spoliation of evidence. He knew as a lawyer that Law Enforcement agencies have an evidence retention period. It was Scott Albrecht's duty as an officer of the court to protect Brian's constitutional Brady rights by filing with Sovah Hospital and with Martinsville Police Department, a subpoena or a litigation hold letter asking the Hospital and Police Department to hold onto any potential evidence that Brian had requested. Brian said that he thought he was drugged and initially told his attorney that during his first meeting with his attorney



according to statements he had made in **EXHIBIT 5** in a fax to his lawyer at the time.

Brian said this in **EXHIBIT 5**:

I had originally told you that I thought I was drugged. This year new evidence came to my attention and was discovered in late January carbon monoxide was present in my Apartment and was witnessed by Roberta Hill, the expert who found evidence of carbon monoxide damage, and even my Probation Officer Jason McMurray saw the damage of the carbon monoxide cause and effect.

Why did Brian's defense attorney not file a motion compelling a Court-Ordered DRUG TEST or any kind of lab test to see what was going on????????? Why did Martinsville Police not request a DRUG TEST as would clearly be their right with the way Brian was naked at night on a walking trail falling into a creek with cuts and abrasions on his body????? Why did Glen Andrew Hall, Esquire, not ask the Court to drug test Brian????????????? Too late as the blood vials were destroyed.

This proves serious ignorance, negligence, and incompetence from the Police Department, from Sovah Hospital, from Brian's court appointed lawyers, and even from the prosecutor Glen Andrew Hall. All are incompetent and ignorant.

An email addressed to Scott Ablrecht at his IDC email address also mentioned:

**EXHIBIT 4, Page 3**: "Evidence of coercion exists but was not disclosed under Discovery violating Brady rights. Police bodycam footage during interview of Brian after arrest."

**EXHIBIT 6**, clearly shows that Brian D. Hill had mailed multiple letters to Police Chief G. E. Cassady asking for the body-camera footage to be turned over to Brian's lawyer. Brian's court appointed lawyer Matthew Clark told Brian and his family in 2019, that the body-camera footage was likely destroyed and could not get ahold of it due to going past the six-month retention period for Police Body-



Camera footage. So, Scott Albrecht had sat on potential evidence and let it become spoliated also termed as spoliation of evidence and then Matthew Clark acted as though there was clearly nothing, nothing that he could do to obtain the destroyed evidence that Scott Albrecht allowed to be destroyed which likely benefited Glen Andrew Hall. That right there is a MAJOR WRONG. Total deprivation of Brian's constitutional due process rights to his Brady Materials under Brady v. Maryland, 373 U.S. 83 (1963) and Giglio v. United States, 405 U.S. 150 (1972). Matthew Clark also told Brian and his family that no law requires laboratory tests or drug testing and that was one of the factors of what led to Brian David Hill falsely accepting the decision of the General District Court by withdrawing his appeal. However, this incompetence proves that the Police assumed there was a lab test but yet there was no lab test and so there is no way that Brian David Hill was ever proven to be medically cleared. There was no clear and convincing evidence that Brian David Hill was medically cleared, maybe psychologically cleared, yes, but should not have been medically cleared. That was premature and erroneous and thus cannot be established as a FACT by the Commonwealth or even by the Federal Prosecutor or even by the U.S. Probation Office.

Exhibits LIST and page number range will have the following evidence:

EXHIBIT 1. Declaration by Brian David Hill certifying that all Exhibits are true and correct copies of original records.

EXHIBIT 2. Six pages excerpt of 81-page Transcript from U.S. District Court for the Middle District of North Carolina, with the testimony statements of Martinsville Police Department Sergeant Robert Jones, the same officer who arrested and charged Brian with indecent exposure on September 21, 2018, and is relevant in this criminal case. Transcribed by Briana L. Bell, RPR, Official Court Reporter who has transcribed this testimony at a federal court hearing. This Court



can ask for the entire Transcript to authenticate the record if necessary. Her email address for this Court or the Commonwealth Attorney to contact to confirm authenticity is at: [brinesbit@gmail.com](mailto:brinesbit@gmail.com). Her name was Briana Nesbit but later changed to Briana Bell. Direct contact number is 336-734-2514. Transcript dated as November 4, 2019. Total of 6 pages.

EXHIBIT 3. Two-page print-out of an email that Roberta Hill had printed for Brian David Hill to use in this criminal case as evidence. Entitled "Re: Brian D. Hill asked me to send this email to you about his appealed case". Emailed to Brian's court appointed lawyer Scott Albrecht at the time through his Indigent Defense Commission email: [salbrecht@mar.IDC.Virginia.gov](mailto:salbrecht@mar.IDC.Virginia.gov). Total of 2 pages.

EXHIBIT 4. Five-page print-out of an email conversation that Roberta Hill had printed for Brian David Hill to use in this criminal case as evidence. Entitled "Fw: Brian D. Hill request", "Re: Brian D. Hill request", "Re: Brian D. Hill request", and "Brian D. Hill request". Shows in Page 3 an email to Brian's court appointed lawyer Scott Albrecht at the time through his Indigent Defense Commission email: [salbrecht@mar.IDC.Virginia.gov](mailto:salbrecht@mar.IDC.Virginia.gov). Total of 5 pages.

EXHIBIT 5. Two-page photocopy of a 1-page FAX letter to Attorney Scott Albrecht. As well as a "Transmission Verification Report". Says it had faxed two pages and it likely was a cover page but was omitted from this Exhibit. It was transmitted to the Office of the Public Defender fax number on May 15, 2019, 6:09PM. Total of 2 pages.

EXHIBIT 6. Seven-page photocopy of what appears to be a letter that Brian's grandparents Kenneth Forinash and Stella Forinash had mailed to Martinsville Police Chief G. E. Cassady. It appears that it was likely signed for by a different officer. Pages 1 and 2 show a typed of version of the written letter that Brian had



mailed to the Police Chief asking for the body-camera footage about the incident on September 21, 2018, and give it to his lawyer as part of the discovery process. Page 3 shows what appears to be a scan of the envelope. Page 4 shows a photocopy of the original handwritten letter with something else written on it saying "For Jason McMurray". That was probably a goof and the words "For Jason McMurray" were probably not in the original letter. It was photocopied using the photocopying machine at the Federal Correctional Institution I at Butner, North Carolina. Pages 5 through 7 are of both sides of the "Return Receipt" mailed by Brian's grandparents and the certified mail receipt as well as the U.S. Postal Service receipt. Total of 7 pages.

EXHIBIT NO.	Page Range	Date:
EXHIBIT 1	1-5	November 7, 2020
EXHIBIT 2	6-12	November 4, 2019
EXHIBIT 3	13-15	December 27, 2018
EXHIBIT 4	16-21	December 26, 2018
EXHIBIT 5	22-24	May 15, 2019
EXHIBIT 6	25-32	January, 2019, March, 2019

WHEREFORE, the undersigned Defendant files further evidence showing FRAUD UPON THE COURT as follows:

1. That the original charge on September 21, 2018, and the trial on December 21, 2018, prosecutor Glen Andrew Hall, Esq., prosecuted the element of guilt that Brian David Hill was medically cleared as if Brian Hill had a clean bill of health with laboratory tests certifying such when evidence of medical neglect and lies show otherwise. Lab tests were never conducted after being ordered originally and then was to be deleted from the chart. They knowingly discharged a patient when showing symptoms of tachycardia on



record for about approximately a full hour and never checked his blood sugar not knowing what his diabetic blood glucose was as there is no evidence in the Sovah Hospital Medical record on September 21, 2018, that Brian's blood sugar was ever checked before Brian David Hill was arrested. This is evidence of MEDICAL NEGLIGENCE, INCOMPETENCE, MAYBE EVEN CORRUPTION, who knows;

2. That Martinsville Police Department failed and both Brian's court appointed lawyer Scott Abrecht and Commonwealth Attorney Glen Andrew Hall sat on evidence that Brian had requested before it's spoliation, including a request that Brian David Hill said that he thought he was drugged and that clearly demonstrated that he should have been given laboratory tests or drug tests or whatever; instead allowing blood vial or vials to being spoliated aka spoliation of evidence;
3. That Brian David Hill had faxed his lawyer showing that he had made an earlier statement in 2018 about the thought of being drugged and yet his lawyer failed or refused to file a subpoena or litigation hold letter to Sovah Hospital on Brian's drawn blood samples and have them drug tested;
4. That Brian David Hill had emailed his family using SmartJailMail from Western Virginia Regional Jail showing that he had wanted his lawyer Scott Abrecht to obtain the Martinsville Police Department body-camera footage as part of his criminal case discovery materials pursuant to Brady and Giglio, but his lawyer Scott Abrecht had failed or refused to file a subpoena or litigation hold letter to Martinsville Police Department on Brian's claim that the Police had body-camera footage of the incident on September 21, 2018, thus that evidence was also destroyed aka spoliation of evidence thanks to Glen Andrew Hall, G.E. Cassady the Police Chief, and/or Scott



Albrecht repeatedly ignoring Brian's requests for the body-camera footage that could have been favorable to the defense;

5. That Martinsville Police Department and Commonwealth Attorney Glen Andrew Hall prosecuted a case where the elements of guilt, where there were elements of the charge that were proven wrong/false beyond a reasonable doubt. That both Martinsville Police Department and Commonwealth Attorney Glen Andrew Hall had allowed evidence to be destroyed and ignored Brian's repeated written pleas asking for the additional discovery materials relevant to the guilt or innocence of Brian David Hill and relevant to his charge on September 21, 2018, originally in the General District Court of Martinsville.

Once evidence is destroyed, physical evidence, biological evidence, it can never be recovered. Brian David Hill can and will never face a fair jury trial in this criminal case as a result of this much level of FRAUD and spoliation of evidence.

Destruction of evidence will negatively affect Brian's success rate at winning the jury trial for his charge of indecent exposure under Virginia Code § 18.2-387. The destruction of evidence will forever hurt Brian David Hill and had caused Matthew Clark his court appointed lawyer to beg him and his family to pressure Brian David Hill to withdraw his appeal and accept the decision of the lower court. All of this is wrong, deprives Brian of all of his basic Constitutional rights. Deprives Brian of his rights under Brady and Giglio. Deprives Brian of his right to a fair trial. Deprives Brian of proving actual innocence by evidence being destroyed and allowed to being destroyed by both the Commonwealth Attorney and Brian's defense attorneys despite Brian repeatedly making statements in total opposite of destroying evidence. This is contradictory and his court appointed lawyer was clearly working against him and working against his Constitutional rights. His



court appointed lawyers have clearly worked with or in favor of Glen Andrew Hall in his fraudulent prosecution. Brian David Hill should never have been convicted; all of this is a shame of a case. It is not worthy of a guilty verdict.

Case law in support of this NOTICE:

Where falsification occurs in the midst of ongoing judicial proceedings, and is specifically directed at affecting those proceedings, it often is termed “fraud on the court.” A court, as an exercise of this inherent authority, may sanction fraud on the court through dismissal (if the falsifier is the plaintiff) or default (if the falsifier is the defendant).

Some examples are: *Breezevale Ltd. v. Dickinson*, 879 A.2d 957, 964 (D.C. 2005) (affirming sanction of dismissal where top executives of plaintiff company engaged in scheme to forge documents and subsequently denied the forgery in pleadings and sworn testimony); *Synanon Found., Inc. v. Bernstein*, 503 A.2d 1254, 1263 (D.C. 1986) (affirming sanction of dismissal where plaintiff, inter alia, destroyed audiotapes and made false statements to the court “that no responsive documents could be found” in order “to deceive the court, and to improperly influence the court in its decision on the defendants’ motions to compel, with the ultimate aim of preventing the judicial process from operating in an impartial fashion”); *Cox v. Burke*, 706 So. 2d 43 (Fla. Dist. Ct. App. 1998) (affirming sanction of dismissal where plaintiff gave false answers to interrogatories and deceptive deposition testimony); *Pope v. Fed. Express Corp.*, 974 F.2d 982, 984 (8th Cir. 1992) (affirming sanction of dismissal for plaintiff’s forgery of, and reliance on, a single document); *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115 (1st Cir. 1989) (affirming dismissal where plaintiff concocted a single document); *Tramel v. Bass*, 672 So. 2d 78, 82 (Fla. Dist. Ct. App. 1996) (affirming default judgment against defendant who excised damaging six-second portion of videotape before



producing it during discovery). See 501 U.S. at 56–57; see also Synanon Found., Inc. v. Bernstein, 517 A.2d 28, 43 (D.C. 1986) (once a party embarks on a “pattern of fraud,” and “[r]egardless of the relevance of these [fraudulent] materials to the substantive legal issue in the case,” this is enough to “completely taint [the party’s] entire litigation strategy from the date on which the abuse actually began”).

It has always been understood—the inference, indeed, is one of the simplest in human experience—that a party’s falsehood or other fraud in the preparation and presentation of his cause, his fabrication or suppression of evidence by bribery or spoliation, and all similar conduct is receivable against him as an indication of his consciousness that his case is a weak or unfounded one; and from that consciousness may be inferred the fact itself of the cause’s lack of truth and merit. The inference thus does not necessarily apply to any specific fact in the cause, but operates, indefinitely though strongly, against the whole mass of alleged facts constituting his cause. The arguments cited from Attorney report titled "Responding to Falsification of Evidence" by Jonathan K. Tycko. Jonathan K. Tycko is a partner with Tycko Zavareei & Spiva LLP in Washington, D.C. He can be reached at (202) 973-0900 or by email at [jtycko@tzslaw.com](mailto:jtycko@tzslaw.com).

Hill respectfully files this SECOND NOTICE with this honorable Court, this the 7th day of November, 2020.

Respectfully submitted,

  
*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Phone #: (276) 790-3505



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter  
I stand with QANON/Donald-Trump – Drain the Swamp  
Make America Great Again

[JusticeForUSWGO.wordpress.com/Pardon](https://JusticeForUSWGO.wordpress.com/Pardon)

[JusticeForUSWGO.wordpress.com](https://JusticeForUSWGO.wordpress.com)

Amazon: The Frame Up of Journalist Brian D. Hill

This pleading and all its attached Exhibits had been transmitted by facsimile to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 2, 2020, at the address of 55 West Church Street, Martinsville, Virginia 24112 and at Fax: (276) 403-5232.

#### CERTIFICATE OF SERVICE

I hereby certify that on this the 7th day of November, 2020, a true copy of the foregoing NOTICE/Pleading and all its attached Exhibits was transmitted by facsimile to Glen Andrew Hall, Esq., at the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478.

*Brian D. Hill*  
*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter  
Make America Great Again  
[JusticeForUSWGO.wordpress.com](https://JusticeForUSWGO.wordpress.com)  
Amazon: The Frame Up of Journalist Brian D. Hill



Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 11/7/2020 Time: 3:39:26 AM  
Number of pages: 48 Session duration: 45:06  
Attn.: Commonwealth Attorney To: Commonwealth Attorney  
Recipient's number: T1-276-403-5478 Message type: Fax  
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\VA SECOND NOTICE of Error Correction: Yes  
File description: VA SECOND NOTICE of FRAUD UPON THE COURT(6)Signed\_W\_Exhibits {2020-11-07} (2).tif  
Recipient's Fax ID: 12764035478 Resolution: 200\*200 dpi  
Rate: 14400 bps Record number: 8328

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	<b>Civil Case No. CL19000331-00</b>
<b>v.</b>	)	<b>Civil Case No. CL20000089-00</b>
	)	
<b>Brian David Hill,</b>	)	
	)	
<b>Defendant,</b>	)	<b>SECOND NOTICE OF FRAUD</b>
	)	<b>UPON THE COURT</b>

**SECOND NOTICE OF FRAUD UPON THE COURT**

COMES NOW criminal defendant, civil Writ of Error Coram Nobis/Vobis  
Petitioner and civil Writ of Habeas Corpus Petitioner Brian David Hill ("Brian",  
"Hill", "Petitioner") respectfully files this SECOND NOTICE OF FRAUD UPON  
THE COURT.

The Defendant attaches the evidence of what he is filing in this case concerning  
Scott Albrecht being purely ineffective by allowing destruction of evidence that  
Brian David Hill sought as part of his right to discovery in his criminal case; was  
made aware that Brian David Hill wanted the body camera footage that was  
recorded by Officer Robert Jones on the night of September 21, 2018, and Scott  
Albrecht never asked to obtain the footage by litigation hold letter or subpoena  
despite repeated requests by Brian Hill and/or Eric Clark and/or his family for the  
body-camera footage. Scott Albrecht was Brian's court appointed attorney between  
the time he was appointed in September or October, 2018, and some point in June,  
2019, Scott Albrecht had left the Martinsville Public Defender Office and Brian's  
lawyer was replaced with Lauren McGarry. However, for the issues that will be



# Exhibit 1

USWGO  
QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



MARTINSVILLE CIRCUIT COURT – CRIMINAL CASE NO. CR19000009-00

Exhibit in attachment to “SECOND NOTICE OF FRAUD UPON THE COURT”



**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	<b>DECLARATION OF BRIAN DAVID</b>
<b>Brian David Hill,</b>	)	<b>HILL IN SUPPORT OF SECOND</b>
	)	<b>NOTICE OF FRAUD UPON THE</b>
<b>Defendant,</b>	)	<b>COURT</b>

**DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF SECOND  
NOTICE OF FRAUD UPON THE COURT**

COMES NOW Brian David Hill, and in pursuant to Virginia Code § 8.01-4.3, I affirm the following facts under penalty of perjury with my statement of facts before this Court:

I am Brian David Hill, the criminal defendant in this criminal case CR19000009-00, Writ of Habeas Corpus filer under case no. CL19000331-00, and Writ of Coram Nobis/Vobis filer under case no. CL20000089-00. I hereby make my following statement of facts regarding the various Exhibits filed in my pleading known as “**SECOND NOTICE OF FRAUD UPON THE COURT**”. I am attempting to demonstrate different issues to this Court as to why I personally believe and am asserting that the wrongful conviction of myself, Brian David Hill, in the above captioned case is a fraud upon the court that was wrongfully prosecuted by Glen Andrew Hall, Esquire, and should not stand as judgment as the facts come out by my various pro se filings.



I hereby certify that EXHIBIT 2 is a true and correct copy of six pages of excerpt of the 81-page Transcript from U.S. District Court for the Middle District of North Carolina, with the testimony statements of Martinsville Police Department Sergeant Robert Jones, the same officer who arrested and charged Brian with indecent exposure on September 21, 2018, and is relevant in this criminal case. Transcribed by Briana L. Bell, RPR, Official Court Reporter who has transcribed this testimony at a federal court hearing. This Court can ask for the entire Transcript to authenticate the record if necessary. Her email address for this Court or the Commonwealth Attorney to contact to confirm authenticity is at: [brinesbit@gmail.com](mailto:brinesbit@gmail.com). Her name was Briana Nesbit but later changed to Briana Bell. Direct contact number is 336-734-2514. Transcript dated as November 4, 2019. Total of 6 pages. I excerpt on Page 1 is of Page 1, Page 2 is of Page 2. Page 3 of this Exhibit is Page 34 of the record. Page 4 of this Exhibit is Page 35 of the record. Page 5 of this Exhibit is Page 36 of the record. Page 6 of this Exhibit is Page 81 of the record, the final page of the Transcript to prove that the pages did come from a certified transcript, meaning that the Court Reporter had certified that the Transcript is a "a true and correct transcript of the proceedings in the above-entitled matter." That should affirm proof.

I hereby certify that EXHIBIT 3 is a true and correct copy of a two-page print-out of an email that Roberta Hill had printed for Brian David Hill to use in this criminal case as evidence. Entitled "Re: Brian D. Hill asked me to send this email to you about his appealed case". Emailed to Brian's court appointed lawyer Scott Albrecht at the time through his Indigent Defense Commission email: [salbrecht@mar.IDC.Virginia.gov](mailto:salbrecht@mar.IDC.Virginia.gov). Total of 2 pages.

I hereby certify that EXHIBIT 4 is a true and correct copy of a five-page print-out of an email conversation that Roberta Hill had printed for Brian David Hill to use



in this criminal case as evidence. Entitled “Fw: Brian D. Hill request”, “Re: Brian D. Hill request”, “Re: Brian D. Hill request”, and “Brian D. Hill request”. Shows in Page 3 an email to Brian’s court appointed lawyer Scott Albrecht at the time through his Indigent Defense Commission email:  
[salbrecht@mar.IDC.Virginia.gov](mailto:salbrecht@mar.IDC.Virginia.gov). Total of 5 pages.

I hereby certify that EXHIBIT 5 is a true and correct copy of a 1-page FAX letter to Attorney Scott Albrecht. As well as a “Transmission Verification Report”. Says it had faxed two pages and it likely was a cover page but was omitted from this Exhibit. It was transmitted to the Office of the Public Defender fax number on May 15, 2019, 6:09PM. Total of 2 pages.

I hereby certify that EXHIBIT 6 is a true and correct copy of a seven-page photocopy of what appears to be a letter that Brian’s grandparents Kenneth Forinash and Stella Forinash had mailed to Martinsville Police Chief G. E. Cassady. It appears that it was likely signed for by a different officer. Pages 1 and 2 show a typed of version of the written letter that Brian had mailed to the Police Chief asking for the body-camera footage about the incident on September 21, 2018, and give it to his lawyer as part of the discovery process. Page 3 shows what appears to be a scan of the envelope. Page 4 shows a photocopy of the original handwritten letter with something else written on it saying “For Jason McMurray”. That was probably a goof and the words “For Jason McMurray” were probably not in the original letter. It was photocopied using the photocopying machine at the Federal Correctional Institution I at Butner, North Carolina. Pages 5 through 7 are of both sides of the “Return Receipt” mailed by Brian’s grandparents and the certified mail receipt as well as the U.S. Postal Service receipt. Total of 7 pages.

I declare under penalty of perjury that the foregoing is true and correct.



Executed on November 7, 2020.

Respectfully submitted,

Brian D. Hill  
*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

[JusticeForUSWGO.wordpress.com/Pardon](https://JusticeForUSWGO.wordpress.com/Pardon)

[JusticeForUSWGO.wordpress.com](https://JusticeForUSWGO.wordpress.com)

Amazon: The Frame Up of Journalist Brian D. Hill



May 15, 2019

Office of the Public Defender  
10 East Main Street // P.O. Drawer 31  
Martinsville, Virginia 24112//24114  
Phone: 276-666-2206 // Fax: 276-666-8929  
Dear Scott Albrecht,

CI 8-3138

I have been released on Federal Bond since yesterday on Tuesday.

The Federal Court will hold any proceedings for the Supervised Release Violation until the final disposition of this State charge.

The stress and anxiety of waiting is affecting my health and this case needs to be resolved As Soon As Possible.

I rather not ask to reschedule the Circuit Court trial Pro Se since I had been released. Please schedule the Trial to early June this year.

I would like to be scheduled the Trial in early June if possible, any day in June instead of July, 2019. I am ready to bring up the carbon monoxide poisoning report and the evidence that I had filed while I was at FCI-1 Butner. I had originally told you that I thought I was drugged. This year new evidence came to my attention and was discovered in late January carbon monoxide was present in my Apartment and was witnessed by Roberta Hill, the expert who found evidence of carbon monoxide damage, and even my Probation Officer Jason McMurray saw the damage of the carbon monoxide cause and effect. It can cause me not to think straight which would also help explain how I was just naked, not aroused, just doing something out of the blue that was bazaar. Not having a history of it. Carbon monoxide may have even been caused by the guy in the hoodie as the one greeting card my mother received mentioning about "not be good feeling sick" stating that my mother was not feeling good getting sick as if a calling card for the carbon monoxide making us sick and tired.

I filed the evidence of carbon monoxide with the Clerk while at FCI Butner. So not only was I not aroused, I was sick from carbon monoxide exposure in my home.

Sincerely,

Brian D. Hill // 310 Forest Street, Apartment 2, Martinsville VA 24112 276-790-3505

884

Brian D Hill



# Exhibit 6

USWGO  
QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



MARTINSVILLE CIRCUIT COURT – CRIMINAL CASE NO. CR19000009-00

Exhibit in attachment to “SECOND NOTICE OF FRAUD UPON THE COURT”



January 19, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v Maryland, Giglio v U.S., Brian Hill hereby requests a copy of Police-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September 20, 2018, where I gave statements about the man wearing the hoodie, who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank you for your service.

My Regards,

Brian D. Hill (Signed)

Dated January 19, 2019

P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records

Brian David Hill #29947-057 Federal Correctional Institution 1  
Old NC Hwy 75; P.O. Box 1000 Butner, NC 27509  
JusticeForUSWGO,wordpress.com USWGO

(Letter 1)



**Copy of note mailed with letter dated January 19, 2019**

**Chief of Police and Commonwealth Attorney in Martinsville,  
VA,**

**Please acknowledge receipt of letters. Please write response.**

**Thank you**

**Brian D. Hill**

**God bless you!**

**Note: In a week of no response, I will assume that it was lost  
and mail another copy. Thanks.**

**Note from Brian's grandparents. Brian wrote this on  
January 19, 2019 and January, 20, 2019. He received no  
response, He sent it again and received no response a week  
later. After waiting almost two months, his grandparents  
will have to go to the post office and send this out return  
receipt requested. You also should know that Brian has  
been on disability since the age of 19 months; has brittle  
diabetes requiring insulin shots, has seizures, autism, anxiety  
and OCD. His actions that night were not normal. He was a  
victim who was arrested and sent to jail by the police who  
are supposed to protect its citizens and disabled. Brian's  
mom and grandparents were at the trial and noticed the  
prosecuting attorney making derogatory comments and  
making fun of this disabled citizen of Martinsville in front of  
his family and many other people in the court room.**

2 STELLA FORINASH  
CHALMERS ST., APT A  
TINSVILLE, VA 24112

G. E. CASSADY, CHIEF OF POLICE  
MARTINSVILLE POLICE DEPARTMENT  
55 WEST CHURCH ST.  
MARTINSVILLE, VA 24112



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Dear Chief of Police of Martinsville Police Dept,  
CC: Commonwealth Attorney, Case no. C18-3138,  
55 West Church Street, For Jason McMurray  
Municipal Building,  
Martinsville, VA 24112, Martinsville Circuit Court case  
Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v. Maryland, Giglio v. U.S., Brian David Hill hereby requests a copy of Police Body-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September ~~20~~ 21, 2018, where I gave statements about the man wearing the hoodie who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank You for your service.

My Regards,

Brian D. Hill

Signed

Dated January 19, 2019.

P.S. Brian Hill has Autism  
Spectrum Disorder in DMV  
handicap placard records.

Brian David Hill #29947-057  
Federal Correctional Institution 1  
Old NC Hwy 75; P.O. Box 1000  
Butner, N.C. 27509

Trusting For USINCA.wordpress.com



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

7018 1830 0001 9309 1586

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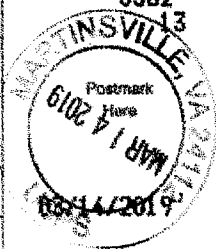
<input type="checkbox"/> Return Receipt (hardcopy)	\$ <b>2.80</b>
<input type="checkbox"/> Return Receipt (electronic)	\$ <b>0.00</b>
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ <b>0.00</b>
<input type="checkbox"/> Adult Signature Required	\$ <b>0.00</b>
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ <b>0.00</b>

Postage **\$1.30**

Total Postage and Fees **\$7.60**

Sent To  
**EE CASSADY - CHIEF OF POLICE**  
 Street and Apt. No., or PO Box No.  
**55 WEST CHURCH ST**  
 City, State, ZIP+4<sup>®</sup>  
**MARTINSVILLE, VA 24112**

PS Form 3800, April 2015 PSN 7530-02-000-9000 See Reverse for instructions



MARTINSVILLE  
 1123 SPRUCE ST  
 MARTINSVILLE  
 VA  
 24112-9998  
 5156520362  
 03/14/2019 (800)275-8777 11:38 AM

Product Description	Sale Qty	Final Price
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First-Class Mail	1	\$1.30
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Large Envelope  
 (Domestic)  
 (MARTINSVILLE, VA 24112)  
 (Weight: 0 Lb 2.60 Oz)  
 (Estimated Delivery Date)  
 (Saturday 03/16/2019)

Certified	1	\$3.50
(USPS Certified Mail #)		
(70181830000193091586)		
Return Receipt	1	\$2.80
(USPS Return Receipt #)		
(9590940239158060485685)		

Total	\$7.60
-------	--------

Cash	\$7.60
------	--------

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

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or call 1-800-410-7420.

YOUR OPINION COUNTS



11/7/2020 5:23:38 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 48/49

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

MARTINSVILLE  
1123 SPRUCE ST  
MARTINSVILLE  
VA

24112-9998

5156520362

03/14/2019 (800)275-8777 11:38 AM

Product Description	Sale Qty	Final Price
First-Class Mail Large Envelope (Domestic)	1	\$1.30

(MARTINSVILLE, VA 24112)  
(Weight: 0 Lb 2.60 Oz)  
(Estimated Delivery Date)  
(Saturday 03/16/2019)

Certified	1	\$3.50
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(USPS Certified Mail #)

(70181830000193091586)

Return Receipt	1	\$2.80
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(USPS Return Receipt #)

(9590940239158060485685)

Total	\$7.60
-------	--------

Cash	\$7.60
------	--------

Text your tracking number to 28777  
(2USPS) to get the latest status.  
Standard Message and Data rates may  
apply. You may also visit [www.usps.com](http://www.usps.com)  
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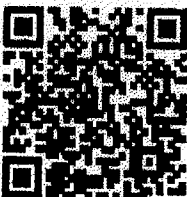
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your mobile device:

or call 1-800-410-7420.

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SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>GECASSADY, CHIEF OF POLICE 55 WEST CHURCH ST MARTINSVILLE, VA 24112</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <input type="checkbox"/></p> <p>B. Received by (Printed Name) <u>3/18/19</u></p> <p>C. Date of Delivery <u>3/18/19</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
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Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

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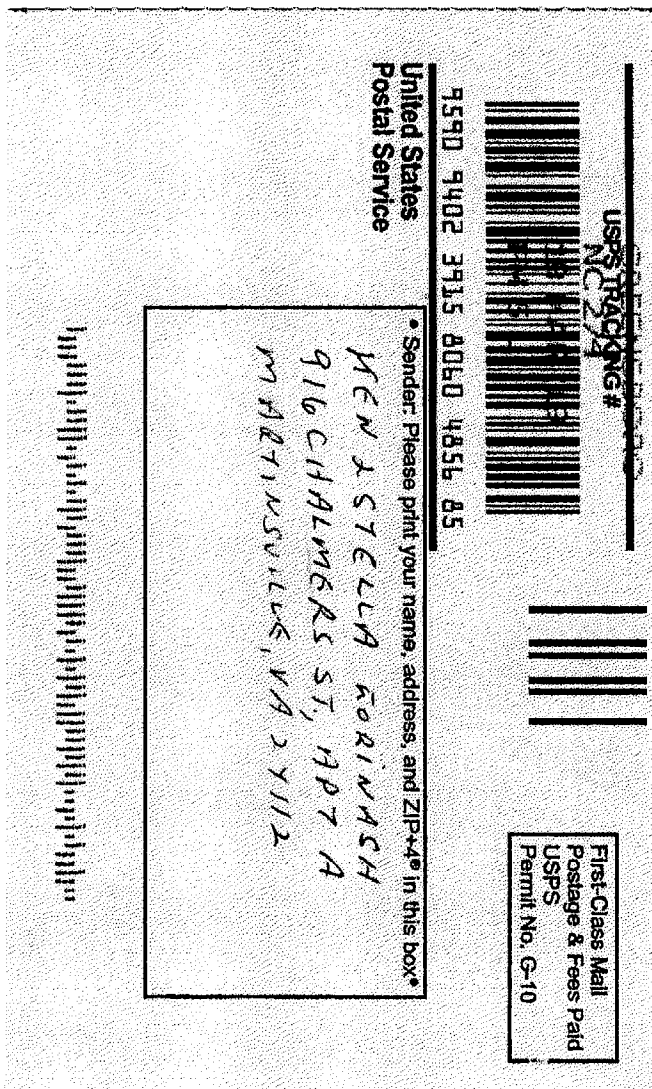
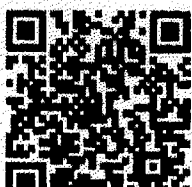
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# Exhibit 2

USWGO  
QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



MARTINSVILLE CIRCUIT COURT – CRIMINAL CASE NO. CR19000009-00

Exhibit in attachment to “SECOND NOTICE OF FRAUD UPON THE COURT”



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA ) CASE NO. 1:13CR435-1  
)  
vs. )  
) Winston-Salem, North Carolina  
BRIAN DAVID HILL ) September 12, 2019  
3:37 p.m.

---

TRANSCRIPT OF THE **SUPERVISED RELEASE REVOCATION HEARING**  
BEFORE THE HONORABLE THOMAS D. SCHROEDER  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: ANAND RAMASWAMY, AUSA  
Office of the U.S. Attorney  
101 S. Edgeworth Street, 4th Floor  
Greensboro, North Carolina 27401

For the Defendant: RENORDA E. PRYOR, ESQ  
Herring Law Center  
1821 Hillandale Road, Suite 1B-220  
Durham, North Carolina

Court Reporter: BRIANA L. BELL, RPR  
Official Court Reporter  
P.O. Box 20991  
Winston-Salem, North Carolina 27120



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ROBERTA HILL

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Cross -- Sgt. Jones

34

1 Q Okay. But as part of your investigation, have you been  
2 able to find out whether there were some threatening matters  
3 that was sent to him or his family?

4 A I have not heard anything of that, no.

5 Q But do you -- but you didn't do the investigation?

6 A No.

7 Q Did Mr. Hill -- when you approached him, did he tell you  
8 that he had autism?

9 A He did.

10 Q And do you guys -- does your -- I would say does your --  
11 does the department train you on how to approach someone with  
12 autism?

13 A We deal with some academy-wise and not much follow-up  
14 after that.

15 Q Did he also tell you that he was a diabetic as well?

16 A I do not recall him telling me that, no.

17 Q Did he tell you that he was also OCD?

18 A Not that I recall.

19 Q And when you took him to the hospital, did they admit him  
20 into the hospital that night?

21 A No, they cleared him medically and psychologically and  
22 released him to us.

23 Q Okay. Did you get those reports from -- the medical  
24 reports?

25 A No, I did not do a subpoena for his hospital records.

896



Redirect -- Sgt. Jones

35

1 Q Okay. Did you speak to a doctor or anyone regarding his  
2 condition or anything of that nature that night?

3 A We -- other than just checking with him to see if they  
4 were going to be releasing him or admitting him, no.

5 Q Do you recall any tests that were taken that night besides  
6 just checking, I believe you said, his knee?

7 A No, ma'am. Like I said, when we -- we also checked him  
8 for mental health issues is the reason why they cleared him  
9 psychologically, to make sure there was nothing going on there.  
10 Once they do that, they do lab work and other stuff. I didn't  
11 ask about his medical history.

12 Q Was there any tests dealing with his blood alcohol content  
13 or anything of that nature?

14 A I don't know if they did. Like I said, I did not get his  
15 records. They normally do, but I do not have that.

16 **MS. PRYOR:** No further questions, Your Honor.

17 **THE COURT:** Any redirect?

18 **MR. RAMASWAMY:** Briefly, Your Honor.

19 **REDIRECT EXAMINATION**

20 **BY MR. RAMASWAMY**

21 Q Counsel asked you about certain businesses and whether or  
22 not they were open in this time frame. Are there residences  
23 along this trail?

24 A It is.

25 Q Were there residences close to the trail?

897



Redirect -- Sgt. Jones

36

1 A There are.

2 Q Are there residences where there's no obstruction between  
3 the residence and the trail?

4 A Yes, sir.

5 Q And this did, in fact, come in on a call of a report of a  
6 naked man; correct?

7 A Correct.

8 **MR. RAMASWAMY:** No other questions.

9 **MS. PRYOR:** I just have a follow-up on that.

10 **THE COURT:** All right.

11 **RE CROSS-EXAMINATION**

12 **BY MS. PRYOR**

13 Q Were any pictures taken in front of any houses?

14 A Not on the camera that I saw, no.

15 Q And the residences that he mentioned, are those residences  
16 behind trees on the trail?

17 A There's some that back up to it that you can see the trail  
18 from, along with -- the original call that came in, the trail  
19 actually runs right up the side of the road where the original  
20 call came in.

21 Q And did that call come in from a resident?

22 A No, it was a passerby in a car.

23 **MS. PRYOR:** Thank you. No further question.

24 **THE COURT:** What time did you say you were on the  
25 scene there the first time?

898




## 1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF NORTH CAROLINA

3 CERTIFICATE OF REPORTER

4  
5  
6 I, Briana L. Bell, Official Court Reporter, certify  
7 that the foregoing transcript is a true and correct transcript  
8 of the proceedings in the above-entitled matter.

9  
10 Dated this 4th day of November 2019.

11  
12  
13   
14 Briana L. Bell, RPR  
15 Official Court Reporter  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



# Exhibit 3

USWGO

QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



MARTINSVILLE CIRCUIT COURT – CRIMINAL CASE NO. CR19000009-00

Exhibit in attachment to “SECOND NOTICE OF FRAUD UPON THE COURT”



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

11/6/2020

Yahoo Mail - Re: Brian D. Hill asked me to send this email to you about his appealed case

Re: Brian D. Hill asked me to send this email to you about his appealed case

From: Eric S Clark (eric@whitestonepublishing.org)

To: kenstella2007@yahoo.com; salbrecht@mar.IDC.Virginia.gov

Cc: rbhill67@yahoo.com

Date: Thursday, December 27, 2018, 11:21 PM EST

**Concerning this part:**

Also please email Scott Albrecht and see if he wishes to represent me on appeal or notify the Court that he cannot represent me so a new lawyer can be appointed as soon as possible for Circuit Court

If Scott wishes to get involved, he will have to work with Eric Clark since he has the three Virginia appeal case laws that I had messaged him.

**Brian already had me forward messages on Christmas day and those messages (MESSAGE 1) had the three case law citations.**

**Obtaining body cam footage through discovery and an expert witness from REACH (concerning autism) are probably**

**the key things. Should be able to file a motion in limine or a motion for directed verdict base on those evidences.**

**As for the January 28, 2019 Court date, they should allow a "motion for continuance"**

**IF Brian and his attorney (whether Scott or someone else) are not ready for trial.**

**Let me know if there's anything I can do to help.**

**Eric Clark**

**785-214-8904**

**From:** Ken & Stella

**Sent:** Thursday, December 27, 2018 9:46 PM

**To:** salbrecht@mar.IDC.Virginia.gov

**Cc:** Eric S. Clark, Roberta Hill

**Subject:** Brian D. Hill asked me to send this email to you about his appealed case

**Attorney Albrecht:**

Brian David Hill, our grandson is in the Western Regional Virginia jail. He has asked us to send you an email with these statements and asking these questions:



11/7/2020

5:06:07 AM

From: Brian David Hill

Fax ID: 276-790-3505

Page 32/ 49

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

11/6/2020

Yahoo Mail - Re: Brian D. Hill asked me to send this email to you about his appealed case

Please reply to this email letting us know that you have read this.

My scheduled court date for the Martinsville Circuit Court is January 28, 2019.

I will file a motion for Writ of Actual Innocence and motion for new trial pursuant to Virginia Code Sec. 19.2-265.4 a failure to provide discovery in Misdemeanor and felony cases. The bodycam footage and 911 recording is another one. I will fill out the ADA Accommodation form for my Circuit Court case on January 28, 2019.

Also please email Scott Albrecht and see if he wishes to represent me on appeal or notify the Court that he cannot represent me so a new lawyer can be appointed as soon as possible for Circuit Court

If Scott wishes to get involved, he will have to work with Eric Clark since he has the three Virginia appeal case laws that I had messaged him. (Eric's email address is above).

Brian is also filling out an accommodation form for disabled citizens.

Sincerely,

Ken & Stella Forinash  
(Brian David Hill's grandparents)



# Exhibit 4

USWGO

QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



MARTINSVILLE CIRCUIT COURT – CRIMINAL CASE NO. CR19000009-00

Exhibit in attachment to “SECOND NOTICE OF FRAUD UPON THE COURT”



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

11/6/2020

Yahoo Mail - Fw: Brian D. Hill request

Fw: Brian D. Hill request

---

From: Ken & Stella (kenstella2007@yahoo.com)

To: rbhill67@yahoo.com

Date: Wednesday, December 26, 2018, 04:30 PM EST

---

----- Forwarded Message -----

**From:** Eric S Clark <eric@whitestonepublishing.org>

**To:** Ken & Stella <kenstella2007@yahoo.com>

**Sent:** Wednesday, December 26, 2018, 7:27:15 AM EST

**Subject:** Re: Brian D. Hill request

Yes, if the attorney has not filed by Friday, then take those two documents to the court (Fri or next Wed).

Those documents should work okay.

RE Albrecht was not a good attorney.

Yes and no.

He did bring up the same argument that WON on several appeals but maybe did not identify those cases specifically enough and maybe did not lay out enough facts for the appeal process.

If the appeal is "new trial" then more evidence can be brought up.

If the appeal is just review of the trial below, then generally the appeal court will not consider new evidence.

I don't know what evidence the State presented, but I doubt it was enough

to show the legal standard of "obscene" was met.

The quotes below are from the appeal court in another case:

"A portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene."

904

The State must establish that Brian's "actions had as their dominant purpose



11/6/2020

Yahoo Mail - Fw: Brian D. Hill request

With "purient interest in sex" meaning

"a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value."

PS

Lowest level (trial court) judges sometimes(often?) do not know the

necessary meanings if the particular law in question so they sometimes rule incorrectly.

Again, I don't know what evidence the State presented, but, at this point, I think Brian has 95+% of wining on appeal.

**From:** Ken & Stella

**Sent:** Wednesday, December 26, 2018 4:48 AM

**To:** Eric S Clark

**Subject:** Re: Brian D. Hill request

Thank you, Eric. We will check to make sure that an appeal is filed by this Friday. If not, do we need to take something to the court ourselves by this Friday? Brian's trial was on Friday, Dec 21st. Court was closed on Sat - Tue Christmas Day. Will be opened this Wed., Thur, Fri. then closed for New Years Sat. - Tuesday. Albrecht was not a good attorney. We saw him lose another case before Brian's. We can't afford an attorney and appreciate all of your help!

On Tuesday, December 25, 2018, 9:58:25 PM EST, Eric S Clark <eric@whitestonepublishing.org> wrote:

I forwarded the information in the bottom email to the Public Defender that represented Brian. It is his DUTY as trial counsel to file the notice of appeal if he knows Brian wants to appeal.

So, there will probably be nothing more you need to do



11/6/2020

Yahoo Mail - Fw: Brian D. Hill request

has been filed already.

I looked at the cases Brian researched and based on those, he should win the appeal.

That said, if the appeal requires a "new trial" rather than just filing a brief to identify the trial court error, I encouraged Brian to seek a PLEA DEAL. Only because that is an extra avenue to keep from having his supervised release from being revoked. That is, PLEA to a Jaywalking charge and pay a fine, something like that.

It was WRING to hold Brian in jail so long on this charge. Even with a GUILTY, the sentence was only 30 days. It sounds like he was in jail way longer than that before trial. Disgusting.

If the Public Defender wants to stay out of trouble, HE WILL FILE the notice of appeal -- probably right away. :-0)  
From here down was sent to his Public Defender's email

**From:** Eric S Clark  
**Sent:** Tuesday, December 25, 2018 4:46 PM  
**To:** salbrecht@mar.IDC.Virginia.gov  
**Subject:** Brian D. Hill request

I was asked to forward these messages from Brian Hill.

#### MESSAGE 1

Scott Albrecht can be forwarded my email.

Scott Albrecht salbrecht@mar.IDC.Virginia.gov,

I attempted to file a pro se Notice of Appeal to the Circuit Court on late December 21, 2018, but the mail will go out till Wednesday morning if the jail doesn't fetter with it.

The facts are simple 1. Brian was not aroused in the pictures. Brian hadpsd Autism Spectrum Disorder. Brian exhibited an extreme form of compliance so that his mother Roberta Hill wouldn't be killed. 2. Brian attempted to file two pro se motions to the Clerk of the Martinsville



11/6/2020

Yahoo Mail - Fw: Brian D. Hill request

Nudists can take pictures of themselves and they were not aroused in pictures. The pictures in the case of Brian was to satisfy the guy who threatened to kill his mother. 4. Evidence of coercion exists but was not disclosed under Discovery violating Brady rights. Police bodycam footage during interview of Brian after arrest. The 911 call recording must mention of Brian placing his hand over his mouth or face which is unusual for indecent exposures. There are no Virginia indecent exposure cases with a guy putting his hand over his mouth and the other to his side. Brian has Autism. The witness who called 911 was never subpoenaed. An psychologist expert never reviewed over the pictures, bodycam footage, and interview Brian before testifying at the trial.

Brian was not aroused, Brian was coerced, his whole affidavit should have been presented before the Judge at trial, not bits and pieces of testimony but only the whole truth and nothing but the truth so help me God.

If the court of appeals adopts the three case laws to Brian's situation then he is not guilty of indecent exposure.

A.M v. Commonwealth of Virginia Alexandria, VA Circuit Court Case no 1150-12-4

Kenneth Samuel Moses v. Commonwealth of Virginia Salem, VA Circuit court Case no 0985-03-3

Kimberly F. Neice v. Commonwealth of Virginia Teleconference, VA Circuit Court CASE NO. 1477-09-3

Scott, all three were acquitted based exactly on your argument that I am innocent and didn't do anything indecent. The Court of Appeals may adopt those three rulings. I was never aroused in the photos. Competency was never a good strategy. An evaluation for the photos and an Autism expert under a certified psychology license would determine that I didn't behave appropriate in response to a threatening situation by over-complying. I showed signs of coercion when I was interviewed by the officer who turned on his body camera and the red recording light was on. That would show coercion as I was shaken up and explaining to the officer what had happened.

Scott I am innocent of indecent exposure based on the evidence that the prosecutor and police knew about and did not present during the trial.

## MESSAGE 2

Scott, Eric knows he is forwarding this message and the other message. Scott you know I was wrongfully convicted. I can still win. Three different Appellate rulings.

Scott, Eric is a witness that knows that I wanted to appeal to the Circuit Court. Scott please follow my request as my representative to directly appeal my wrongful conviction.

Thank you Scott and Thank you Eric. God bless you both.

907

Best Regards, Brian D. Hill U.S.W.G.O.



11/6/2020

Yahoo Mail - Fw: Brian D. Hill request

### **MESSAGE 3**

If they can push for a plea deal to a small infraction charge of illegal parking or even Jaywalking or some small stupid infraction charge in a plea deal, my Supervised Release will not be revoked.

Something that carries only a fine.

Mention that to Scott Albrecht.

He can also push for deferred prosecution requiring me to take safety courses.



# Exhibit 5

USWGO

QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



MARTINSVILLE CIRCUIT COURT – CRIMINAL CASE NO. CR19000009-00

Exhibit in attachment to “SECOND NOTICE OF FRAUD UPON THE COURT”



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

## TRANSMISSION VERIFICATION REPORT

TIME : 05/15/2019 06:11PM  
NAME : KEN STELLA FORINASH  
FAX : 2766322599  
SER. # : U63038J1F328116

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May 15, 2019

Office of the Public Defender  
10 East Main Street // P.O. Drawer 31  
Martinsville, Virginia 24112//24114  
Phone: 276-666-2206 // Fax: 276-666-8929  
Dear Scott Albrecht,

CI 8-3138

I have been released on Federal Bond since yesterday on Tuesday.

The Federal Court will hold any proceedings for the Supervised Release Violation until the final disposition of this State charge.

The stress and anxiety of waiting is affecting my health and this case needs to be resolved As Soon As Possible.

I rather not ask to reschedule the Circuit Court trial Pro Se since I had been released. Please schedule the Trial to early June this year.

I would like to be scheduled the Trial in early June if possible, any day in June instead of July, 2019. I am ready to bring up the carbon monoxide poisoning report and the evidence that I had filed while I was at FCI-1 Butner. I had originally told you that I thought I was drugged. This year new evidence came to my attention and was discovered in late January carbon monoxide was present in my 910

**VIRGINIA:**

**IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,**

**v.**

**CASE NO. CR19000009-00**

**BRIAN DAVID HILL,**

**Defendant.**

**NOTICE OF APPEAL**

Brian David Hill, appellant pro se, hereby appeals to the Court of Appeals of Virginia from the final judgment of this Court by final order entered November 18, 2019, convicting Mr. Hill of violating Va. Code § 18.2-387 as incorporated by Martinsville City Ordinance 13-17, and sentencing him to 30 days' incarceration.

Mr. Hill also requests appointment of counsel for this appeal, forgives John Jones of his earlier mistake, and asks the Court of Appeals or Circuit Court to appoint John Jones, John Jones Law, PLC, 9520 Iron Bridge Road, Suite 204, Chesterfield, VA 23832, phone: (804) 263-7130, fax: (804) 717-5677, as counsel of record.

A transcript of the testimony and other incidents of the case will be filed. This Notice of Appeal is filed pursuant to the Court of Appeals of Virginia's order entered October 28, 2020, granting Mr. Hill a delayed appeal in this matter.

Respectfully submitted,

Brian David Hill, Appellant pro se

Brian D. Hill  
*Signed*

Brian David Hill  
310 Forest Street, Apt. 2

7019-1120-0002-2623-  
6402

Martinsville, VA 24112  
Phone: (276) 790-3505  
Appellant pro se

Ally of QAnon

JusticeForUSWGO.NL/Pardon

JusticeForUSWGO.wordpress.com

Arrest Glen Andrew Hall for his crimes!!!!

**U.S.W.G.O.**

Brian D. Hill - Ally of QAnon

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

WWG1WGA - Q-Intel Drain the

Swamp MAGA - INVESTIGATE!

JusticeForUSWGO.wordpress.com



## CERTIFICATE

The undersigned certifies as follows:

- (1) The name and address of appellant is:

Brian David Hill  
310 Forest Street, Apt. 2  
Martinsville, VA 24112  
Phone: (276) 790-3505

- (2) Appellant is not represented by counsel at this time.

- (3) The name of appellee is:

Commonwealth of Virginia

- (4) The name, address, and telephone number of counsel for appellee is:

G. Andrew Hall  
Martinsville Commonwealth's Attorney  
55 W. Church Street  
Martinsville, VA 24112  
(276) 403-5470

- (5) The appellant has caused to be ordered from the court reporter who reported the case the transcript for filing as required by Rule 5A:8(a).

- (6) The appellant has requested the appointment of counsel.

- (7) A copy of this Notice of Appeal has been mailed to the Martinsville Circuit Court Clerk's Office, to opposing counsel, and to the Clerk of the Court of Appeals of Virginia, all on November \_\_\_, 2020.

Brian D. Hill  
*Signed*

Brian David Hill

Appellant pro se

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 11/12/2020 015:57:51

**U.S.W.G.O.**

Brian D. Hill - Ally of QANON

WWG1WGA - Q-Intel - Drain the Swamp MAGA

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ASHBY PROCHETTI JUDGE

TESTE: *[Signature]*  
CLERK/DEPUTY CLERK

3

VIRGINIA  
City of Martinsville Circuit Court  
Clerk's Office.

Received and Filed this the  
12<sup>th</sup> Day of November - 2020  
at 3:57 P. M.  
T. J. [Signature] Clerk

**VIRGINIA:**

**IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,**

**v.**

**CASE NO. CR19000009-00**

**BRIAN DAVID HILL,**

**Defendant.**

**NOTICE OF APPEAL**

Brian David Hill, appellant pro se, hereby appeals to the Court of Appeals of Virginia from this Court's denial, by order entered November 25, 2019, of Mr. Hill's motion to vacate fraudulent begotten judgment in the above-captioned case.

Mr. Hill also requests appointment of counsel for this appeal, forgives John Jones of his earlier mistake, and asks the Court of Appeals or Circuit Court to appoint John Jones, John Jones Law, PLC, 9520 Iron Bridge Road, Suite 204, Chesterfield, VA 23832, as counsel of record.

A transcript of the testimony and other incidents of the case will be filed. This Notice of Appeal is filed pursuant to the Court of Appeals of Virginia's order entered October 28, 2020, granting Mr. Hill a delayed appeal in this matter.

Respectfully submitted,

Brian David Hill, Appellant pro se

Brian D. Hill  
*Signed*

Brian David Hill  
310 Forest Street, Apt. 2  
Martinsville, VA 24112  
Phone: (276) 790-3505  
Appellant pro se

7019-1120-0002-2623-  
6402

## CERTIFICATE

The undersigned certifies as follows:

- (1) The name and address of appellant is:  
Brian David Hill  
310 Forest Street, Apt. 2  
Martinsville, VA 24112  
Phone: (276) 790-3505
- (2) Appellant is not represented by counsel at this time.
- (3) The name of appellee is:  
Commonwealth of Virginia
- (4) The name, address, and telephone number of counsel for appellee is:  
G. Andrew Hall  
Martinsville Commonwealth's Attorney  
55 W. Church Street  
Martinsville, VA 24112  
(276) 403-5470
- (5) The appellant has caused to be ordered from the court reporter who reported the case the transcript for filing as required by Rule 5A:8(a).
- (6) The appellant has requested the appointment of counsel.
- (7) A copy of this Notice of Appeal has been mailed to the Martinsville Circuit Court Clerk's Office, to opposing counsel, and to the Clerk of the Court of Appeals of Virginia, all on November 12, 2020.

Brian D. Hill  
*Signed*

Brian David Hill  
Appellant pro se

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 11/12/2020 @15:58:17

ASHBY PRITCHETT, CLERK

TESTE:

Gennepi C. Oplin  
CLERK/DEPUTY CLERK

Ally of QAnon

JusticeForUSWGO.NL/Pardon

JusticeForUSWGO.wordpress.com

Arrest Glen Andrew Hall for his crimes!!!!



VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	<b>Civil Case No. CL19000331-00</b>
<b>v.</b>	)	<b>Civil Case No. CL20000089-00</b>
	)	
<b>Brian David Hill,</b>	)	
	)	<b>SECOND NOTICE OF FRAUD</b>
<b>Defendant,</b>	)	<b>UPON THE COURT</b>

**SECOND NOTICE OF FRAUD UPON THE COURT**

COMES NOW criminal defendant, civil Writ of Error Coram Nobis/Vobis Petitioner and civil Writ of Habeas Corpus Petitioner Brian David Hill ("Brian", "Hill", "Petitioner") respectfully files this SECOND NOTICE OF FRAUD UPON THE COURT.

The Defendant attaches the evidence of what he is filing in this case concerning Scott Albrecht being purely ineffective by allowing destruction of evidence that Brian David Hill sought as part of his right to discovery in his criminal case; was made aware that Brian David Hill wanted the body camera footage that was recorded by Officer Robert Jones on the night of September 21, 2018, and Scott Albrecht never asked to obtain the footage by litigation hold letter or subpoena despite repeated requests by Brian Hill and/or Eric Clark and/or his family for the body-camera footage. Scott Albrecht was Brian's court appointed attorney between the time he was appointed in September or October, 2018, and some point in June, 2019, Scott Albrecht had left the Martinsville Public Defender Office and Brian's lawyer was replaced with Lauren McGarry. However, for the issues that will be

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6402

raised here in this fraud upon the court evidence filing by Petitioner Brian David Hill, Lauren McGarry is a side issue and Brian will focus on Scott Albrecht.

Brian also attaches further evidence of potential fraud and deception in regards to the original charging officer Sgt. Robert Jones who had charged Petitioner Brian Hill on September 21, 2018. See **EXHIBIT 2** for the proof. **Exhibit 2** shows oral testimony that was transcribed during a Federal Court hearing concerning the Supervised Release Violation over the very same Virginia State Charge that was lodged against Brian David Hill on September 21, 2018. That this evidence is credible and relevant evidence to help demonstrate the fraud and explain how it is fraudulent.

TRANSCRIPT (Page 3 of **EXHIBIT 2**):

Q Okay. But as part of your investigation, have you been able to find out whether there were some threatening matters that was sent to him or his family?

A I have not heard anything of that, no.

Q But do you -- but you didn't do the investigation?

A No.

Right there cited from the Transcript proves to this Court that there was no thorough investigation. None of the officers of Martinsville Police Department ever asked Brian D. Hill or Roberta Hill to produce the evidence of the threatening greeting card that Brian had allegedly claimed. In fact, in the last "NOTICE OF FRAUD UPON THE COURT" and the very same photographs filed in Brian's Petition for Writ of Error Coram Vobis/Nobis, case no. CL20000089-00 evidence was filed showing that the envelope signed for by Police Chief G. E. Cassady was never even opened. It was turned over to the Commonwealth Attorney who also never opened the envelope. So again, this Martinsville Police Department had

refused to investigate any evidence in regards to Brian David Hill's claims that he was threatened to get naked and take photos of himself. It is hard to believe that they claim they could never find the guy wearing the hoodie, this "black man" wearing a hoodie when Brian trying to correct the record that he never said "black man" but said sounded like a white guy but wearing a "black hoodie". They got his alleged description wrong, they never investigated anything to even be worthy of proving to this Court that somehow Brian David Hill was wrong because they claimed they had never found a guy wearing a hoodie, but yet they admit they really conducted no actual thorough investigation. They never tested Brian for drugs. They never asked for the Laboratory results after the Sovah Hospital drew blood from Brian's veins. Now let's go back to the Transcript and see what else this witness Robert Jones had to say in regards to the indecent exposure charge/case.

TRANSCRIPT (Page 3 of **EXHIBIT 2**):

Q Did Mr. Hill -- when you approached him, did he tell you  
that he had autism?

A He did.

Q And do you guys -- does your -- I would say does your --  
does the department train you on how to approach someone with  
autism?

A We deal with some academy-wise and not much follow-up  
after that.

Q Did he also tell you that he was a diabetic as well?

A I do not recall him telling me that, no.

Q Did he tell you that he was also OCD?

A Not that I recall.

Q And when you took him to the hospital, did they admit him  
into the hospital that night?

A No, they cleared him medically and psychologically and  
released him to us.

Q Okay. Did you get those reports from -- the medical  
reports?

A No, I did not do a subpoena for his hospital records.

Still that was pretty lousy for an investigator or police officer who was supposed to conduct a reasonable and pretty thorough investigation before considering a criminal charge against somebody that can potentially ruin somebody's life like that of Brian David Hill. Never subpoenaed for his Hospital Records when Brian made multiple claims that he thought he was drugged yet nobody actually wanted to verify whether Brian David Hill was telling the truth on being drugged or not. Didn't even know that Brian was diabetic even though the Jail would know. Diabetes does affect the behavior of somebody. Low blood sugar can impair brain functions and make somebody appear to be confused and/or drunk. The Hospital never actually checked for Brian's blood sugar before Brian was arrested, had exhibited tachycardia but was not committed to the Hospital to even try to find out why. This whole criminal investigation was very sketchy and should not have been prosecuted to such an extent where Glen Andrew Hall, Esq., had clearly taken it. He does not care about the truth, he does not care about the facts, all he cares about is winning each and every one of his cases to make his prosecutorial record look good for if he ever went into private practice with such a good looking record.

TRANSCRIPT (Page 4 of **EXHIBIT 2**):

Q Okay. Did you speak to a doctor or anyone regarding his

condition or anything of that nature that night?

A We -- other than just checking with him to see if they were going to be releasing him or admitting him, no.

Q Do you recall any tests that were taken that night besides just checking, I believe you said, his knee?

A No, ma'am. Like I said, when we -- we also checked him for mental health issues is the reason why they cleared him psychologically, to make sure there was nothing going on there. Once they do that, they do lab work and other stuff. I didn't ask about his medical history.

Q Was there any tests dealing with his blood alcohol content or anything of that nature?

A I don't know if they did. Like I said, I did not get his records. They normally do, but I do not have that.

That is interesting that the Police Officer said that they normally "do lab work and other stuff." And yet the Sovah Hospital did no Laboratory Work and threw away the blood vials, that itself is fraudulent as they said Brian David Hill was medically cleared, had fooled ignorant Officer Robert Jones into believing that "they do lab work and other stuff" but the evidence showed that they neglected to even do such. That itself is fraudulent. NO MEDICAL LAB TESTS while Officer Robert Jones thought they medically cleared him and did the laboratory work.

UNBELIEVABLE!!!!!!! Why Brian would falsely withdraw his appeal when his ineffective counsel Matthew Clark was not going to bring any of these issues up when all of that would have shown a defect in the elements that were prosecuted by Glen Andrew Hall, Esquire, the Commonwealth Attorney of Martinsville. Officer Jones who would have testified at Brian's scheduled "Jury Trial" would have likely made the same statements that he assumed that lab tests were done and

other stuff but then the Sovah Hospital released Defendant Brian David Hill to Jail without laboratory tests while Officer Robert Jones was convinced that they did. That is serious poopooing of an investigation. The Officers were clearly ignorant and this was not a thorough investigation worthy of prosecuting this very criminal case. If Brian had a half-decent court appointed lawyer or even a private lawyer, all of this would have been brought out and Brian David Hill would have been found not-guilty in the General District Court or even the Circuit Court.

I don't care what justification CORRUPT COMMONWEALTH ATTORNEY Glen Andrew Hall has to say here. Brian was NOT IN FACT medically cleared. Does neglecting to conduct the laboratory tests and the Police Officer not even knowing what the potential lab results were when they were never done behind the scenes sound like a true medical cleared?

Does neglecting to check Brian's diabetic blood sugar glucose sound like a true medical cleared?

Does neglecting investigate why Brian had multiple "Vital Signs" showing abnormally high resting blood pulse of over "100" which its medical term is called "tachycardia", ask any medical Doctor about this term, does that sound like a true medical cleared?

Brian was NOT medically cleared by the standards that clearly should have been set here. A police officer who thought Brian was medically cleared, that he was A-Okay to be charged with indecent exposure and have his Supervised Release Revoked, thought lab tests were done and other stuff but he assumed WRONG. It was NOT TRUE. There is clear fraud upon the court since the very beginning of this prosecution by Glen Andrew Hall, Esquire. **There clearly needs to be an ACQUITTAL of Brian David Hill of this charge.** Brian can't go back in a time

machine and ask the Hospital to conduct thorough laboratory tests, the evidence destruction is too late and NOT Brian's FAULT by any means. This Court clearly needs to reexamine the entire prosecution and guilty verdict on December 21, 2018. This guilty verdict is clearly erroneous. How much evidence must Brian mail to this Court, FAX to this Court, before this Court corrects the wrongful conviction of Brian David Hill?

**EXHIBIT 3** clearly shows an email addressed to Attorney Scott Albrecht in regards to "*Obtaining body cam footage through discovery*". That proves Brian David Hill wanted his court appointed lawyer to obtain the body-camera footage as part of his Brady materials aka Discovery materials in his criminal case.

It appears that Brian's family received Brian's messages through SmartJailMail from Western Virginia Regional Jail and Brian wanted this information to be emailed or faxed to Scott Albrecht:

**EXHIBIT 3** Quote: "I will file a motion for Writ of Actual Innocence and motion for new trial pursuant to Virginia Code Sec. 19.2-265.4 a failure to provide discovery in Misdemeanor and felony cases. The bodycam footage and 911 recording is another one. I will fill out the ADA Accommodation form for my Circuit Court case on January 28, 2019."

So, Brian's lawyer Scott Albrecht had sat on potential Brady evidence material that had become spoliated aka spoliation of evidence. He knew as a lawyer that Law Enforcement agencies have an evidence retention period. It was Scott Albrecht's duty as an officer of the court to protect Brian's constitutional Brady rights by filing with Sovah Hospital and with Martinsville Police Department, a subpoena or a litigation hold letter asking the Hospital and Police Department to hold onto any potential evidence that Brian had requested. Brian said that he thought he was drugged and initially told his attorney that during his first meeting with his attorney

according to statements he had made in **EXHIBIT 5** in a fax to his lawyer at the time.

Brian said this in **EXHIBIT 5**:

I had originally told you that I thought I was drugged. This year new evidence came to my attention and was discovered in late January carbon monoxide was present in my Apartment and was witnessed by Roberta Hill, the expert who found evidence of carbon monoxide damage, and even my Probation Officer Jason McMurray saw the damage of the carbon monoxide cause and effect.

Why did Brian's defense attorney not file a motion compelling a Court-Ordered DRUG TEST or any kind of lab test to see what was going on????????? Why did Martinsville Police not request a DRUG TEST as would clearly be their right with the way Brian was naked at night on a walking trail falling into a creek with cuts and abrasions on his body????? Why did Glen Andrew Hall, Esquire, not ask the Court to drug test Brian????????????? Too late as the blood vials were destroyed.

This proves serious ignorance, negligence, and incompetence from the Police Department, from Sovah Hospital, from Brian's court appointed lawyers, and even from the prosecutor Glen Andrew Hall. All are incompetent and ignorant.

An email addressed to Scott Abrecht at his IDC email address also mentioned:

**EXHIBIT 4, Page 3**: "Evidence of coercion exists but was not disclosed under Discovery violating Brady rights. Police bodycam footage during interview of Brian after arrest."

**EXHIBIT 6**, clearly shows that Brian D. Hill had mailed multiple letters to Police Chief G. E. Cassady asking for the body-camera footage to be turned over to Brian's lawyer. Brian's court appointed lawyer Matthew Clark told Brian and his family in 2019, that the body-camera footage was likely destroyed and could not get ahold of it due to going past the six-month retention period for Police Body-

Camera footage. So, Scott Albrecht had sat on potential evidence and let it become spoliated also termed as spoliation of evidence and then Matthew Clark acted as though there was clearly nothing, nothing that he could do to obtain the destroyed evidence that Scott Albrecht allowed to be destroyed which likely benefited Glen Andrew Hall. That right there is a MAJOR WRONG. Total deprivation of Brian's constitutional due process rights to his Brady Materials under Brady v. Maryland, 373 U.S. 83 (1963) and Giglio v. United States, 405 U.S. 150 (1972). Matthew Clark also told Brian and his family that no law requires laboratory tests or drug testing and that was one of the factors of what led to Brian David Hill falsely accepting the decision of the General District Court by withdrawing his appeal. However, this incompetence proves that the Police assumed there was a lab test but yet there was no lab test and so there is no way that Brian David Hill was ever proven to be medically cleared. There was no clear and convincing evidence that Brian David Hill was medically cleared, maybe psychologically cleared, yes, but should not have been medically cleared. That was premature and erroneous and thus cannot be established as a FACT by the Commonwealth or even by the Federal Prosecutor or even by the U.S. Probation Office.

Exhibits LIST and page number range will have the following evidence:

EXHIBIT 1. Declaration by Brian David Hill certifying that all Exhibits are true and correct copies of original records.

EXHIBIT 2. Six pages excerpt of 81-page Transcript from U.S. District Court for the Middle District of North Carolina, with the testimony statements of Martinsville Police Department Sergeant Robert Jones, the same officer who arrested and charged Brian with indecent exposure on September 21, 2018, and is relevant in this criminal case. Transcribed by Briana L. Bell, RPR, Official Court Reporter who has transcribed this testimony at a federal court hearing. This Court

can ask for the entire Transcript to authenticate the record if necessary. Her email address for this Court or the Commonwealth Attorney to contact to confirm authenticity is at: [brinesbit@gmail.com](mailto:brinesbit@gmail.com). Her name was Briana Nesbit but later changed to Briana Bell. Direct contact number is 336-734-2514. Transcript dated as November 4, 2019. Total of 6 pages.

EXHIBIT 3. Two-page print-out of an email that Roberta Hill had printed for Brian David Hill to use in this criminal case as evidence. Entitled "Re: Brian D. Hill asked me to send this email to you about his appealed case". Emailed to Brian's court appointed lawyer Scott Albrecht at the time through his Indigent Defense Commission email: [salbrecht@mar.IDC.Virginia.gov](mailto:salbrecht@mar.IDC.Virginia.gov). Total of 2 pages.

EXHIBIT 4. Five-page print-out of an email conversation that Roberta Hill had printed for Brian David Hill to use in this criminal case as evidence. Entitled "Fw: Brian D. Hill request", "Re: Brian D. Hill request", "Re: Brian D. Hill request", and "Brian D. Hill request". Shows in Page 3 an email to Brian's court appointed lawyer Scott Albrecht at the time through his Indigent Defense Commission email: [salbrecht@mar.IDC.Virginia.gov](mailto:salbrecht@mar.IDC.Virginia.gov). Total of 5 pages.

EXHIBIT 5. Two-page photocopy of a 1-page FAX letter to Attorney Scott Albrecht. As well as a "Transmission Verification Report". Says it had faxed two pages and it likely was a cover page but was omitted from this Exhibit. It was transmitted to the Office of the Public Defender fax number on May 15, 2019, 6:09PM. Total of 2 pages.

EXHIBIT 6. Seven-page photocopy of what appears to be a letter that Brian's grandparents Kenneth Forinash and Stella Forinash had mailed to Martinsville Police Chief G. E. Cassady. It appears that it was likely signed for by a different officer. Pages 1 and 2 show a typed of version of the written letter that Brian had

mailed to the Police Chief asking for the body-camera footage about the incident on September 21, 2018, and give it to his lawyer as part of the discovery process. Page 3 shows what appears to be a scan of the envelope. Page 4 shows a photocopy of the original handwritten letter with something else written on it saying “For Jason McMurray”. That was probably a goof and the words “For Jason McMurray” were probably not in the original letter. It was photocopied using the photocopying machine at the Federal Correctional Institution I at Butner, North Carolina. Pages 5 through 7 are of both sides of the “Return Receipt” mailed by Brian’s grandparents and the certified mail receipt as well as the U.S. Postal Service receipt. Total of 7 pages.

EXHIBIT NO.	Page Range	Date:
EXHIBIT 1	1-5	November 7, 2020
EXHIBIT 2	6-12	November 4, 2019
EXHIBIT 3	13-15	December 27, 2018
EXHIBIT 4	16-21	December 26, 2018
EXHIBIT 5	22-24	May 15, 2019
EXHIBIT 6	25-32	January, 2019, March, 2019

WHEREFORE, the undersigned Defendant files further evidence showing FRAUD UPON THE COURT as follows:

1. That the original charge on September 21, 2018, and the trial on December 21, 2018, prosecutor Glen Andrew Hall, Esq., prosecuted the element of guilt that Brian David Hill was medically cleared as if Brian Hill had a clean bill of health with laboratory tests certifying such when evidence of medical neglect and lies show otherwise. Lab tests were never conducted after being ordered originally and then was to be deleted from the chart. They knowingly discharged a patient when showing symptoms of tachycardia on

record for about approximately a full hour and never checked his blood sugar not knowing what his diabetic blood glucose was as there is no evidence in the Sovah Hospital Medical record on September 21, 2018, that Brian's blood sugar was ever checked before Brian David Hill was arrested. This is evidence of MEDICAL NEGLECT, INCOMPETENCE, MAYBE EVEN CORRUPTION, who knows;

2. That Martinsville Police Department failed and both Brian's court appointed lawyer Scott Albrecht and Commonwealth Attorney Glen Andrew Hall sat on evidence that Brian had requested before it's spoliation, including a request that Brian David Hill said that he thought he was drugged and that clearly demonstrated that he should have been given laboratory tests or drug tests or whatever; instead allowing blood vial or vials to being spoliated aka spoliation of evidence;
3. That Brian David Hill had faxed his lawyer showing that he had made an earlier statement in 2018 about the thought of being drugged and yet his lawyer failed or refused to file a subpoena or litigation hold letter to Sovah Hospital on Brian's drawn blood samples and have them drug tested;
4. That Brian David Hill had emailed his family using SmartJailMail from Western Virginia Regional Jail showing that he had wanted his lawyer Scott Albrecht to obtain the Martinsville Police Department body-camera footage as part of his criminal case discovery materials pursuant to Brady and Giglio, but his lawyer Scott Albrecht had failed or refused to file a subpoena or litigation hold letter to Martinsville Police Department on Brian's claim that the Police had body-camera footage of the incident on September 21, 2018, thus that evidence was also destroyed aka spoliation of evidence thanks to Glen Andrew Hall, G.E. Cassady the Police Chief, and/or Scott

Albrecht repeatedly ignoring Brian's requests for the body-camera footage that could have been favorable to the defense;

5. That Martinsville Police Department and Commonwealth Attorney Glen Andrew Hall prosecuted a case where the elements of guilt, where there were elements of the charge that were proven wrong/false beyond a reasonable doubt. That both Martinsville Police Department and Commonwealth Attorney Glen Andrew Hall had allowed evidence to be destroyed and ignored Brian's repeated written pleas asking for the additional discovery materials relevant to the guilt or innocence of Brian David Hill and relevant to his charge on September 21, 2018, originally in the General District Court of Martinsville.

Once evidence is destroyed, physical evidence, biological evidence, it can never be recovered. Brian David Hill can and will never face a fair jury trial in this criminal case as a result of this much level of FRAUD and spoliation of evidence.

Destruction of evidence will negatively affect Brian's success rate at winning the jury trial for his charge of indecent exposure under Virginia Code § 18.2-387. The destruction of evidence will forever hurt Brian David Hill and had caused Matthew Clark his court appointed lawyer to beg him and his family to pressure Brian David Hill to withdraw his appeal and accept the decision of the lower court. All of this is wrong, deprives Brian of all of his basic Constitutional rights. Deprives Brian of his rights under Brady and Giglio. Deprives Brian of his right to a fair trial.

Deprives Brian of proving actual innocence by evidence being destroyed and allowed to being destroyed by both the Commonwealth Attorney and Brian's defense attorneys despite Brian repeatedly making statements in total opposite of destroying evidence. This is contradictory and his court appointed lawyer was clearly working against him and working against his Constitutional rights. His

court appointed lawyers have clearly worked with or in favor of Glen Andrew Hall in his fraudulent prosecution. Brian David Hill should never have been convicted; all of this is a shame of a case. It is not worthy of a guilty verdict.

Case law in support of this NOTICE:

Where falsification occurs in the midst of ongoing judicial proceedings, and is specifically directed at affecting those proceedings, it often is termed “fraud on the court.” A court, as an exercise of this inherent authority, may sanction fraud on the court through dismissal (if the falsifier is the plaintiff) or default (if the falsifier is the defendant).

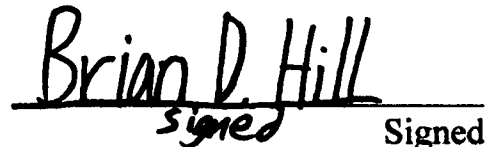
Some examples are: *Breezevale Ltd. v. Dickinson*, 879 A.2d 957, 964 (D.C. 2005) (affirming sanction of dismissal where top executives of plaintiff company engaged in scheme to forge documents and subsequently denied the forgery in pleadings and sworn testimony); *Synanon Found., Inc. v. Bernstein*, 503 A.2d 1254, 1263 (D.C. 1986) (affirming sanction of dismissal where plaintiff, inter alia, destroyed audiotapes and made false statements to the court “that no responsive documents could be found” in order “to deceive the court, and to improperly influence the court in its decision on the defendants’ motions to compel, with the ultimate aim of preventing the judicial process from operating in an impartial fashion”); *Cox v. Burke*, 706 So. 2d 43 (Fla. Dist. Ct. App. 1998) (affirming sanction of dismissal where plaintiff gave false answers to interrogatories and deceptive deposition testimony); *Pope v. Fed. Express Corp.*, 974 F.2d 982, 984 (8th Cir. 1992) (affirming sanction of dismissal for plaintiff’s forgery of, and reliance on, a single document); *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115 (1st Cir. 1989) (affirming dismissal where plaintiff concocted a single document); *Tramel v. Bass*, 672 So. 2d 78, 82 (Fla. Dist. Ct. App. 1996) (affirming default judgment against defendant who excised damaging six-second portion of videotape before

producing it during discovery). See 501 U.S. at 56–57; see also Synanon Found., Inc. v. Bernstein, 517 A.2d 28, 43 (D.C. 1986) (once a party embarks on a “pattern of fraud,” and “[r]egardless of the relevance of these [fraudulent] materials to the substantive legal issue in the case,” this is enough to “completely taint [the party’s] entire litigation strategy from the date on which the abuse actually began”).

It has always been understood—the inference, indeed, is one of the simplest in human experience—that a party’s falsehood or other fraud in the preparation and presentation of his cause, his fabrication or suppression of evidence by bribery or spoliation, and all similar conduct is receivable against him as an indication of his consciousness that his case is a weak or unfounded one; and from that consciousness may be inferred the fact itself of the cause’s lack of truth and merit. The inference thus does not necessarily apply to any specific fact in the cause, but operates, indefinitely though strongly, against the whole mass of alleged facts constituting his cause. The arguments cited from Attorney report titled “Responding to Falsification of Evidence” by Jonathan K. Tycko. Jonathan K. Tycko is a partner with Tycko Zavareei & Spiva LLP in Washington, D.C. He can be reached at (202) 973-0900 or by email at [jtycko@tzslaw.com](mailto:jtycko@tzslaw.com).

Hill respectfully files this SECOND NOTICE with this honorable Court, this the 7th day of November, 2020.

Respectfully submitted,

A handwritten signature in black ink that reads "Brian D. Hill". The signature is written in a cursive, slightly slanted style. Below the signature, the word "Signed" is written in a smaller, handwritten font.

Signed  
Brian D. Hill (Pro Se)  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

Make America Great Again

[JusticeForUSWGO.wordpress.com/Pardon](https://JusticeForUSWGO.wordpress.com/Pardon)

[JusticeForUSWGO.wordpress.com](https://JusticeForUSWGO.wordpress.com)

Amazon: The Frame Up of Journalist Brian D. Hill

This pleading and all its attached Exhibits had been transmitted by facsimile to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 2, 2020, at the address of 55 West Church Street, Martinsville, Virginia 24112 and at Fax: (276) 403-5232.

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 7th day of November, 2020, a true copy of the foregoing NOTICE/Pleading and all its attached Exhibits was transmitted by facsimile to Glen Andrew Hall, Esq., at the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478.

*Brian D. Hill*  
*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

Make America Great Again

[JusticeForUSWGO.wordpress.com](https://JusticeForUSWGO.wordpress.com)

Amazon: The Frame Up of Journalist Brian D. Hill

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 11/12/2020 @15:59:08

ASHBY PRITCHETT, CLERK

TESTE: *Jennifer C. Coplin*  
CLERK/DEPUTY CLERK

# Exhibit 1

USWGO  
QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



MARTINSVILLE CIRCUIT COURT – CRIMINAL CASE NO. CR19000009-00

Exhibit in attachment to “SECOND NOTICE OF FRAUD UPON THE COURT”

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	<b>DECLARATION OF BRIAN DAVID</b>
<b>Brian David Hill,</b>	)	<b>HILL IN SUPPORT OF SECOND</b>
	)	<b>NOTICE OF FRAUD UPON THE</b>
<b>Defendant,</b>	)	<b>COURT</b>

**DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF SECOND  
NOTICE OF FRAUD UPON THE COURT**

COMES NOW Brian David Hill, and in pursuant to Virginia Code § 8.01-4.3, I affirm the following facts under penalty of perjury with my statement of facts before this Court:

I am Brian David Hill, the criminal defendant in this criminal case CR19000009-00, Writ of Habeas Corpus filer under case no. CL19000331-00, and Writ of Coram Nobis/Vobis filer under case no. CL20000089-00. I hereby make my following statement of facts regarding the various Exhibits filed in my pleading known as “**SECOND NOTICE OF FRAUD UPON THE COURT**”. I am attempting to demonstrate different issues to this Court as to why I personally believe and am asserting that the wrongful conviction of myself, Brian David Hill, in the above captioned case is a fraud upon the court that was wrongfully prosecuted by Glen Andrew Hall, Esquire, and should not stand as judgment as the facts come out by my various pro se filings.

I hereby certify that EXHIBIT 2 is a true and correct copy of six pages of excerpt of the 81-page Transcript from U.S. District Court for the Middle District of North Carolina, with the testimony statements of Martinsville Police Department Sergeant Robert Jones, the same officer who arrested and charged Brian with indecent exposure on September 21, 2018, and is relevant in this criminal case. Transcribed by Briana L. Bell, RPR, Official Court Reporter who has transcribed this testimony at a federal court hearing. This Court can ask for the entire Transcript to authenticate the record if necessary. Her email address for this Court or the Commonwealth Attorney to contact to confirm authenticity is at: [brinesbit@gmail.com](mailto:brinesbit@gmail.com). Her name was Briana Nesbit but later changed to Briana Bell. Direct contact number is 336-734-2514. Transcript dated as November 4, 2019. Total of 6 pages. I excerpt on Page 1 is of Page 1, Page 2 is of Page 2. Page 3 of this Exhibit is Page 34 of the record. Page 4 of this Exhibit is Page 35 of the record. Page 5 of this Exhibit is Page 36 of the record. Page 6 of this Exhibit is Page 81 of the record, the final page of the Transcript to prove that the pages did come from a certified transcript, meaning that the Court Reporter had certified that the Transcript is a “a true and correct transcript of the proceedings in the above-entitled matter.” That should affirm proof.

I hereby certify that EXHIBIT 3 is a true and correct copy of a two-page print-out of an email that Roberta Hill had printed for Brian David Hill to use in this criminal case as evidence. Entitled “Re: Brian D. Hill asked me to send this email to you about his appealed case”. Emailed to Brian’s court appointed lawyer Scott Albrecht at the time through his Indigent Defense Commission email: [salbrecht@mar.IDC.Virginia.gov](mailto:salbrecht@mar.IDC.Virginia.gov). Total of 2 pages.

I hereby certify that EXHIBIT 4 is a true and correct copy of a five-page print-out of an email conversation that Roberta Hill had printed for Brian David Hill to use

in this criminal case as evidence. Entitled “Fw: Brian D. Hill request”, “Re: Brian D. Hill request”, “Re: Brian D. Hill request”, and “Brian D. Hill request”. Shows in Page 3 an email to Brian’s court appointed lawyer Scott Albrecht at the time through his Indigent Defense Commission email:

[salbrecht@mar.IDC.Virginia.gov](mailto:salbrecht@mar.IDC.Virginia.gov). Total of 5 pages.

I hereby certify that EXHIBIT 5 is a true and correct copy of a 1-page FAX letter to Attorney Scott Albrecht. As well as a “Transmission Verification Report”. Says it had faxed two pages and it likely was a cover page but was omitted from this Exhibit. It was transmitted to the Office of the Public Defender fax number on May 15, 2019, 6:09PM. Total of 2 pages.

I hereby certify that EXHIBIT 6 is a true and correct copy of a seven-page photocopy of what appears to be a letter that Brian’s grandparents Kenneth Forinash and Stella Forinash had mailed to Martinsville Police Chief G. E. Cassady. It appears that it was likely signed for by a different officer. Pages 1 and 2 show a typed of version of the written letter that Brian had mailed to the Police Chief asking for the body-camera footage about the incident on September 21, 2018, and give it to his lawyer as part of the discovery process. Page 3 shows what appears to be a scan of the envelope. Page 4 shows a photocopy of the original handwritten letter with something else written on it saying “For Jason McMurray”. That was probably a goof and the words “For Jason McMurray” were probably not in the original letter. It was photocopied using the photocopying machine at the Federal Correctional Institution I at Butner, North Carolina. Pages 5 through 7 are of both sides of the “Return Receipt” mailed by Brian’s grandparents and the certified mail receipt as well as the U.S. Postal Service receipt. Total of 7 pages.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 7, 2020.

Respectfully submitted,

Brian D. Hill  
*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

**JusticeForUSWGO.wordpress.com/Pardon**

**JusticeForUSWGO.wordpress.com**

Amazon: The Frame Up of Journalist Brian D. Hill

# Exhibit 2

USWGO  
QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



MARTINSVILLE CIRCUIT COURT – CRIMINAL CASE NO. CR19000009-00

Exhibit in attachment to “SECOND NOTICE OF FRAUD UPON THE COURT”

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

3 UNITED STATES OF AMERICA            )    CASE NO. 1:13CR435-1  
4                                        )    )  
5                   vs.                 )    )  
6                                        )    Winston-Salem, North Carolina  
7                   BRIAN DAVID HILL    )    September 12, 2019  
8                                        )    3:37 p.m.  
9                   \_\_\_\_\_

10  
11                   TRANSCRIPT OF THE **SUPERVISED RELEASE REVOCATION HEARING**  
12                   BEFORE THE HONORABLE THOMAS D. SCHROEDER  
13                   UNITED STATES DISTRICT JUDGE  
14

15 APPEARANCES:

16 For the Government:           ANAND RAMASWAMY, AUSA  
17                                       Office of the U.S. Attorney  
18                                       101 S. Edgeworth Street, 4th Floor  
19                                       Greensboro, North Carolina 27401  
20

21 For the Defendant:           RENORDA E. PRYOR, ESQ  
22                                       Herring Law Center  
23                                       1821 Hillandale Road, Suite 1B-220  
24                                       Durham, North Carolina  
25

26 Court Reporter:           BRIANA L. BELL, RPR  
27                                       Official Court Reporter  
28                                       P.O. Box 20991  
29                                       Winston-Salem, North Carolina 27120  
30

31                   Proceedings recorded by mechanical stenotype reporter.  
32                   Transcript produced by computer-aided transcription.Gl  
33

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ROBERTA HILL

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## EXHIBITS

<u>Exhibits:</u>	<u>Identified</u>	<u>Received</u>
G-1 Contact sheet of photorgraphs found on Defendant's camera	17	18
G-2 Map depicting locations of where photographs found on Defendant's camera were taken	19	29
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G-7 Roadmap of locations of where photographs were taken	25	29
G-8 Defendant's August 2018 monthly supervision report found on camera	26	29
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G-10 Virginia Code Section 18.2-387	28	29

1 Q Okay. But as part of your investigation, have you been  
2 able to find out whether there were some threatening matters  
3 that was sent to him or his family?

4 A I have not heard anything of that, no.

5 Q But do you -- but you didn't do the investigation?

6 A No.

7 Q Did Mr. Hill -- when you approached him, did he tell you  
8 that he had autism?

9 A He did.

10 Q And do you guys -- does your -- I would say does your --  
11 does the department train you on how to approach someone with  
12 autism?

13 A We deal with some academy-wise and not much follow-up  
14 after that.

15 Q Did he also tell you that he was a diabetic as well?

16 A I do not recall him telling me that, no.

17 Q Did he tell you that he was also OCD?

18 A Not that I recall.

19 Q And when you took him to the hospital, did they admit him  
20 into the hospital that night?

21 A No, they cleared him medically and psychologically and  
22 released him to us.

23 Q Okay. Did you get those reports from -- the medical  
24 reports?

25 A No, I did not do a subpoena for his hospital records.

1 Q Okay. Did you speak to a doctor or anyone regarding his  
2 condition or anything of that nature that night?

3 A We -- other than just checking with him to see if they  
4 were going to be releasing him or admitting him, no.

5 Q Do you recall any tests that were taken that night besides  
6 just checking, I believe you said, his knee?

7 A No, ma'am. Like I said, when we -- we also checked him  
8 for mental health issues is the reason why they cleared him  
9 psychologically, to make sure there was nothing going on there.  
10 Once they do that, they do lab work and other stuff. I didn't  
11 ask about his medical history.

12 Q Was there any tests dealing with his blood alcohol content  
13 or anything of that nature?

14 A I don't know if they did. Like I said, I did not get his  
15 records. They normally do, but I do not have that.

16 **MS. PRYOR:** No further questions, Your Honor.

17 **THE COURT:** Any redirect?

18 **MR. RAMASWAMY:** Briefly, Your Honor.

19 REDIRECT EXAMINATION

20 **BY MR. RAMASWAMY**

21 Q Counsel asked you about certain businesses and whether or  
22 not they were open in this time frame. Are there residences  
23 along this trail?

24 A It is.

25 Q Were there residences close to the trail?

1 A There are.

2 Q Are there residences where there's no obstruction between  
3 the residence and the trail?

4 A Yes, sir.

5 Q And this did, in fact, come in on a call of a report of a  
6 naked man; correct?

7 A Correct.

8 **MR. RAMASWAMY:** No other questions.

9 **MS. PRYOR:** I just have a follow-up on that.

10 **THE COURT:** All right.

11 **RE CROSS-EXAMINATION**

12 **BY MS. PRYOR**

13 Q Were any pictures taken in front of any houses?

14 A Not on the camera that I saw, no.

15 Q And the residences that he mentioned, are those residences  
16 behind trees on the trail?

17 A There's some that back up to it that you can see the trail  
18 from, along with -- the original call that came in, the trail  
19 actually runs right up the side of the road where the original  
20 call came in.

21 Q And did that call come in from a resident?

22 A No, it was a passerby in a car.

23 **MS. PRYOR:** Thank you. No further question.

24 **THE COURT:** What time did you say you were on the  
25 scene there the first time?


1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF NORTH CAROLINA

3 CERTIFICATE OF REPORTER

4  
5  
6 I, Briana L. Bell, Official Court Reporter, certify  
7 that the foregoing transcript is a true and correct transcript  
8 of the proceedings in the above-entitled matter.

9  
10 Dated this 4th day of November 2019.

11  
12  
13   
14 Briana L. Bell, RPR  
15 Official Court Reporter  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

# Exhibit 3

USWGO  
QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



MARTINSVILLE CIRCUIT COURT – CRIMINAL CASE NO. CR19000009-00

Exhibit in attachment to “SECOND NOTICE OF FRAUD UPON THE COURT”

**Re: Brian D. Hill asked me to send this email to you about his appealed case**

From: Eric S Clark (eric@whitestonepublishing.org)

To: kenstella2007@yahoo.com; salbrecht@mar.IDC.Virginia.gov

Cc: rbhill67@yahoo.com

Date: Thursday, December 27, 2018, 11:21 PM EST

**Concerning this part:**

Also please email Scott Albrecht and see if he wishes to represent me on appeal or notify the Court that he cannot represent me so a new lawyer can be appointed as soon as possible for Circuit Court

If Scott wishes to get involved, he will have to work with Eric Clark since he has the three Virginia appeal case laws that I had messaged him.

**Brian already had me forward messages on Christmas day and those messages (MESSAGE 1) had the three case law citations.**

**Obtaining body cam footage through discovery and an expert witness from REACH (concerning autism) are probably**

**the key things. Should be able to file a motion in limine or a motion for directed verdict base on those evidences.**

**As for the January 28, 2019 Court date, they should allow a "motion for continuance"  
IF Brian and his attorney (whether Scott or someone else) are not ready for trial.**

**Let me know if there's anything I can do to help.**

**Eric Clark**

**785-214-8904**

**From:** [Ken & Stella](#)

**Sent:** Thursday, December 27, 2018 9:46 PM

**To:** [salbrecht@mar.IDC.Virginia.gov](mailto:salbrecht@mar.IDC.Virginia.gov)

**Cc:** [Eric S. Clark](#) ; [Roberta Hill](#)

**Subject:** Brian D. Hill asked me to send this email to you about his appealed case

**Attorney Albrecht:**

**Brian David Hill, our grandson is in the Western Regional Virginia jail. He has asked us to send you an email with these statements and asking these questions:**

Please reply to this email letting us know that you have read this.

My scheduled court date for the Martinsville Circuit Court is January 28, 2019.

I will file a motion for Writ of Actual Innocence and motion for new trial pursuant to Virginia Code Sec. 19.2-265.4 a failure to provide discovery in Misdemeanor and felony cases. The bodycam footage and 911 recording is another one. I will fill out the ADA Accommodation form for my Circuit Court case on January 28, 2019.

Also please email Scott Albrecht and see if he wishes to represent me on appeal or notify the Court that he cannot represent me so a new lawyer can be appointed as soon as possible for Circuit Court

If Scott wishes to get involved, he will have to work with Eric Clark since he has the three Virginia appeal case laws that I had messaged him. (Eric's email address is above).

Brian is also filling out an accommodation form for disabled citizens.

Sincerely,

Ken & Stella Forinash

(Brian David Hill's grandparents)

# Exhibit 4

USWGO  
QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



MARTINSVILLE CIRCUIT COURT – CRIMINAL CASE NO. CR19000009-00

Exhibit in attachment to “SECOND NOTICE OF FRAUD UPON THE COURT”

Fw: Brian D. Hill request

From: Ken & Stella (kenstella2007@yahoo.com)

To: rbhill67@yahoo.com

Date: Wednesday, December 26, 2018, 04:30 PM EST

----- Forwarded Message -----

**From:** Eric S Clark <eric@whitestonepublishing.org>

**To:** Ken & Stella <kenstella2007@yahoo.com>

**Sent:** Wednesday, December 26, 2018, 7:27:15 AM EST

**Subject:** Re: Brian D. Hill request

Yes, if the attorney has not filed by Friday, then take those two documents to the court (Fri or next Wed).

Those documents should work okay.

RE Albrecht was not a good attorney.

Yes and no.

He did bring up the same argument that WON on several appeals but maybe did not identify those cases specifically enough and maybe did not lay out enough facts for the appeal process.

If the appeal is "new trial" then more evidence can be brought up. If the appeal is just review of the trial below, then generally the appeal court will not consider new evidence.

I don't know what evidence the State presented, but I doubt it was enough to show the legal standard of "obscene" was met.

The quotes below are from the appeal court in another case:

"A portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene."

The State must establish that Brian's "actions had as their dominant purpose an appeal to the prurient interest in sex."

With "purient interest in sex" meaning

"a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value."

PS

Lowest level (trial court) judges sometimes(often?) do not know the

necessary meanings if the particular law in question so they sometimes rule incorrectly.

Again, I don't know what evidence the State presented, but, at this point, I think Brian has 95+% of wining on appeal.

**From:** Ken & Stella

**Sent:** Wednesday, December 26, 2018 4:48 AM

**To:** Eric S Clark

**Subject:** Re: Brian D. Hill request

Thank you, Eric. We will check to make sure that an appeal is filed by this Friday. If not, do we need to take something to the court ourselves by this Friday? Brian's trial was on Friday, Dec 21st. Court was closed on Sat - Tue Christmas Day. Will be opened this Wed., Thur, Fri. then closed for New Years Sat. - Tuesday. Albrecht was not a good attorney. We saw him lose another case before Brian's. We can't afford an attorney and appreciate all of your help!

On Tuesday, December 25, 2018, 9:58:25 PM EST, Eric S Clark <eric@whitestonepublishing.org> wrote:

I forwarded the information in the bottom email to the Public Defender that represented Brian. It is his DUTY as trial counsel to file the notice of appeal if he knows Brian wants to appeal.

So, there will probably be nothing more you need to do other than check with the court to see if a notice of appeal

has been filed already.

I looked at the cases Brian researched and based on those, he should win the appeal.

That said, if the appeal requires a "new trial" rather than just filing a brief to identify the trial court error, I encouraged Brian to seek a PLEA DEAL. Only because that is an extra avenue to keep from having his supervised release from being revoked. That is, PLEA to a Jaywalking charge and pay a fine, something like that.

It was WRING to hold Brian in jail so long on this charge. Even with a GUILTY, the sentence was only 30 days. It sounds like he was in jail way longer than that before trial. Disgusting.

If the Public Defender wants to stay out of trouble, HE WILL FILE the notice of appeal -- probably right away. :-0)  
From here down was sent to his Public Defender's email

**From:** [Eric S Clark](#)  
**Sent:** Tuesday, December 25, 2018 4:46 PM  
**To:** [salbrecht@mar.IDC.Virginia.gov](mailto:salbrecht@mar.IDC.Virginia.gov)  
**Subject:** Brian D. Hill request

I was asked to forward these messages from Brian Hill.

#### MESSAGE 1

Scott Albrecht can be forwarded my email.

Scott Albrecht [salbrecht@mar.IDC.Virginia.gov](mailto:salbrecht@mar.IDC.Virginia.gov),

I attempted to file a pro se Notice of Appeal to the Circuit Court on late December 21, 2018, but the mail will go out till Wednesday morning if the jail doesn't fetter with it.

The facts are simple 1. Brian was not aroused in the pictures. Brian hadpsd Autism Spectrum Disorder. Brian exhibited an extreme form of compliance so that his mother Roberta Hill wouldn't be killed. 2. Brian attempted to file two pro se motions to the Clerk of the Martinsville General District Court which never made docket in November prior to the trial. 3. Arguably,  
950

Nudists can take pictures of themselves and they were not aroused in pictures. The pictures in the case of Brian was to satisfy the guy who threatened to kill his mother. 4. Evidence of coercion exists but was not disclosed under Discovery violating Brady rights. Police bodycam footage during interview of Brian after arrest. The 911 call recording must mention of Brian placing his hand over his mouth or face which is unusual for indecent exposures. There are no Virginia indecent exposure cases with a guy putting his hand over his mouth and the other to his side. Brian has Autism. The witness who called 911 was never subpoenaed. An psychologist expert never reviewed over the pictures, bodycam footage, and interview Brian before testifying at the trial.

Brian was not aroused, Brian was coerced, his whole affidavit should have been presented before the Judge at trial, not bits and pieces of testimony but only the whole truth and nothing but the truth so help me God.

If the court of appeals adopts the three case laws to Brian's situation then he is not guilty of indecent exposure.

A.M v. Commonwealth of Virginia Alexandria, VA Circuit Court Case no 1150-12-4

Kenneth Samuel Moses v. Commonwealth of Virginia Salem, VA Circuit court Case no 0985-03-3

Kimberly F. Neice v. Commonwealth of Virginia Teleconference, VA Circuit Court CASE NO. 1477-09-3

Scott, all three were acquitted based exactly on your argument that I am innocent and didn't do anything indecent. The Court of Appeals may adopt those three rulings. I was never aroused in the photos. Competency was never a good strategy. An evaluation for the photos and an Autism expert under a certified psychology license would determine that I didn't behave appropriate in response to a threatening situation by over-complying. I showed signs of coercion when I was interviewed by the officer who turned on his body camera and the red recording light was on. That would show coercion as I was shaken up and explaining to the officer what had happened.

Scott I am innocent of indecent exposure based on the evidence that the prosecutor and police knew about and did not present during the trial.

## MESSAGE 2

Scott, Eric knows he is forwarding this message and the other message. Scott you know I was wrongfully convicted. I can still win. Three different Appellate rulings.

Scott, Eric is a witness that knows that I wanted to appeal to the Circuit Court. Scott please follow my request as my representative to directly appeal my wrongful conviction.

Thank you Scott and Thank you Eric. God bless you both.

Best Regards, Brian D. Hill U.S.W.G.O.

**MESSAGE 3**

If they can push for a plea deal to a small infraction charge of illegal parking or even Jaywalking or some small stupid infraction charge in a plea deal, my Supervised Release will not be revoked.

Something that carries only a fine.

Mention that to Scott Albrecht.

He can also push for deferred prosecution requiring me to take safety courses.

# Exhibit 5

USWGO  
QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



MARTINSVILLE CIRCUIT COURT – CRIMINAL CASE NO. CR19000009-00

Exhibit in attachment to “SECOND NOTICE OF FRAUD UPON THE COURT”

TRANSMISSION VERIFICATION REPORT

TIME : 05/15/2019 06:11PM  
NAME : KEN STELLA FORINASH  
FAX : 2766322599  
SER. # : U6303BJ1F328116

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

05/15 06:09PM  
2766668929  
00:01:02  
02  
OK  
PHOTO  
ECM

May 15, 2019

Office of the Public Defender  
10 East Main Street // P.O. Drawer 31  
Martinsville, Virginia 24112//24114  
Phone: 276-666-2206 // Fax: 276-666-8929  
Dear Scott Albrecht,

CI 8-3138

I have been released on Federal Bond since yesterday on Tuesday.

The Federal Court will hold any proceedings for the Supervised Release Violation until the final disposition of this State charge.

The stress and anxiety of waiting is affecting my health and this case needs to be resolved As Soon As Possible.

I rather not ask to reschedule the Circuit Court trial Pro Se since I had been released. Please schedule the Trial to early June this year.

I would like to be scheduled the Trial in early June if possible, any day in June instead of July, 2019. I am ready to bring up the carbon monoxide poisoning report and the evidence that I had filed while I was at FCI-1 Butner. I had originally told you that I thought I was drugged. This year new evidence came to my attention and was discovered in late January carbon monoxide was present in my Apartment and was witnessed by Roberta Hill, the expert who found evidence of carbon monoxide damage, and even my Probation Officer Jason McMurray saw<sup>954</sup> the damage of the carbon monoxide cause and effect. It can cause me not to think straight which would also help explain how I was just naked, not aroused

May 15, 2019

Office of the Public Defender  
10 East Main Street // P.O. Drawer 31  
Martinsville, Virginia 24112//24114  
Phone: 276-666-2206 // Fax: 276-666-8929  
Dear Scott Albrecht,

CI 8-3138

I have been released on Federal Bond since yesterday on Tuesday.

The Federal Court will hold any proceedings for the Supervised Release Violation until the final disposition of this State charge.

The stress and anxiety of waiting is affecting my health and this case needs to be resolved As Soon As Possible.

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I filed the evidence of carbon monoxide with the Clerk while at FCI Butner. So not only was I not aroused, I was sick from carbon monoxide exposure in my home.

Sincerely,

Brian D. Hill // 310 Forest Street, Apartment 2, Martinsville VA 24112 276-790-3505

Brian D. Hill U.S.W.G.O.  
Signed

# Exhibit 6

USWGO  
QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



MARTINSVILLE CIRCUIT COURT – CRIMINAL CASE NO. CR19000009-00

Exhibit in attachment to “SECOND NOTICE OF FRAUD UPON THE COURT”

**January 19, 2019 (Typed letter March 13, 2019)**

**Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady**

**CC: Commonwealth Attorney, Case no C18-3138,**

**55 West Church Street Municipal Building Martinsville, VA 24112**

**Martinsville Circuit Court case Discovery Request**

**Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v Maryland, Giglio v U.S., Brian Hill hereby requests a copy of Police-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September 20, 2018, where I gave statements about the man wearing the hoodie, who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank you for your service.**

**My Respects,**

**Brian D. Hill (Signed)**

**Dated January 19, 2019**

**P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records**

**Brian David Hill #29947-057 Federal Correctional Institution 1  
Old NC Hwy 75; P.O. Box 1000 Butner, NC 27509  
JusticeForUSWGO.wordpress.com USWGO**

**(Letter 1)**

**Copy of note mailed with letter dated January 19, 2019**

**Chief of Police and Commonwealth Attorney in Martinsville,  
VA,**

**Please acknowledge receipt of letters. Please write response.**

**Thank you**

**Brian D. Hill**

**God bless you!**

**Note: In a week of no response, I will assume that it was lost  
and mail another copy. Thanks.**

**Note from Brian's grandparents. Brian wrote this on  
January 19, 2019 and January, 20, 2019. He received no  
response, He sent it again and received no response a week  
later. After waiting almost two months, his grandparents  
will have to go to the post office and send this out return  
receipt requested. You also should know that Brian has  
been on disability since the age of 19 months; has brittle  
diabetes requiring insulin shots, has seizures, autism, anxiety  
and OCD. His actions that night were not normal. He was a  
victim who was arrested and sent to jail by the police who  
are supposed to protect its citizens and disabled. Brian's  
mom and grandparents were at the trial and noticed the  
prosecuting attorney making derogatory comments and  
making fun of this disabled citizen of Martinsville in front of  
his family and many other people in the court room.**

KEN + STELLA FORINASH  
916 CHALMERS ST, APT A  
MARTINSVILLE, VA 24112

G E CHASSADY, CHIEF OF POLICE  
MARTINSVILLE POLICE DEPARTMENT  
55 WEST CHURCH ST.  
MARTINSVILLE, VA 24112

Dear Chief of Police of Martinsville Police Dept,  
CC: Commonwealth Attorney, Case no. C18-3138,

55 West Church Street,

Municipal Building,

Martinsville, VA 24112,

For Jason McMurray

Martinsville Circuit Court case  
Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v. Maryland, Giglio v. U.S., Brian David Hill hereby requests a copy of Police Body-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September ~~20~~ 21, 2018, where I gave statements about the man wearing the hoodie who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank You for your service.

My Respects,

Brian D. Hill

Signed

Dated January 19, 2019.

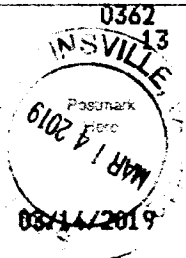
P.S. Brian Hill has Autism  
Spectrum Disorder in DMV  
handicap placard records.

Brian David Hill #29947-057  
Federal Correctional Institution 1  
Old NC Hwy 75; P.O. Box 1000  
Butner, N.C. 27509  
JusticeForUSWGO.wordpress.com  
U.S.W.G.O.

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).  
 MARTINSVILLE, VA 24112

Certified Mail Fee **\$3.50**  
 \$  
 Extra Services & Fees (check box, add fee)  
☐ Return Receipt (hardcopy) \$ **\$2.80**  
☐ Return Receipt (electronic) \$ **\$0.00**  
☐ Certified Mail Restricted Delivery \$ **\$0.00**  
☐ Adult Signature Required \$ **\$0.00**  
☐ Adult Signature Restricted Delivery \$  
 Postage **\$1.30**  
 \$  
 Total Postage and **\$7.60**  
 \$



Sent To  
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PS Form 3800, April 2015 PSN 7530-02-000-9001 See Reverse for Instructions

MARTINSVILLE  
 1123 SPRUCE ST  
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 VA  
 24112-9998  
 5156520362

03/14/2019 (800)275-8777 11:38 AM

Product Description	Sale Qty	Final Price
---------------------	----------	-------------

First-Class Mail	1	\$1.30
------------------	---	--------

Large Envelope  
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 (MARTINSVILLE, VA 24112)  
 (Weight: 0 Lb 2.60 Oz)  
 (Estimated Delivery Date)  
 (Saturday 03/16/2019)

Certified	1	\$3.50
(USPS Certified Mail #) (70181830000193091586)		
Return Receipt	1	\$2.80
(USPS Return Receipt #) (9590940239158060485685)		

Total \$7.60

Cash \$7.60

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

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 or scan this code with  
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or call 1-800-410-7420.

YOUR OPINION COUNTS

MARTINSVILLE  
1123 SPRUCE ST  
MARTINSVILLE  
VA

24112-9998  
5156520362

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(2USPS) to get the latest status.  
Standard Message and Data rates may  
apply. You may also visit [www.usps.com](http://www.usps.com)  
USPS Tracking or call 1-800-222-1811.

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Thank you for your business.

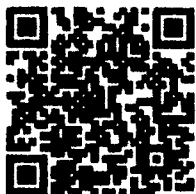
HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT  
POSTAL EXPERIENCE

Go to:  
<https://postalexperience.com/Pos>

840-5250-0004-003-00038-69612-02

or scan this code with  
your mobile device:

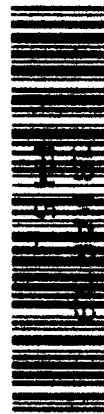


or call 1-800-410-7420.

YOUR OPINION COUNTS

United States  
Postal Service

9590 9402 3915 8060 4856 85

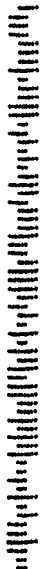


USPS TRACKING #  
9590 9402 3915 8060 4856 85

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USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box.

NEW & STELLA KORINASH  
916 CHALMERS ST, 1107 A  
MARTINSVILLE, VA 22112



FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 11/12/2020 @15:58:39

ASHBY PRITCHETT, CLERK

TESTE: *Jennifer C. Apple*  
CLERK/DEPUTY CLERK

# U.S.W.G.O.

Brian D. Hill - Ally of QAnon  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
WWGIWGA - Q-Intel Drain the  
Swamp MAGA - INVESTIGATE!  
JusticeForUSWGO.wordpress.com



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Street and Apt. No., or PO Box No. P.O. Box 1206  
City, State, ZIP+4 Martinsville, VA 24114

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Hon. Ashby R. Pritchett  
Clerk of the Court  
Martinsville Circuit Court  
P.O. Box 1206  
Martinsville, VA 24114

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

	)	
<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	<b>AFFIDAVIT OF SERVICE</b>
<b>Brian David Hill,</b>	)	
	)	
<b>Defendant,</b>	)	

**AFFIDAVIT OF SERVICE (NON-NOTARIZED)**

COMES NOW Brian David Hill, and in pursuant to Virginia Code § 8.01-4.3, I affirm the following facts under penalty of perjury with my statement of facts before this Court:

I am Brian David Hill, the criminal defendant in this criminal case CR19000009-00, Writ of Habeas Corpus filer under case no. CL19000331-00, and Writ of Coram Nobis/Vobis filer under case no. CL20000089-00.

I hereby make my following statement of facts regarding the service of pleadings to the Office of the Commonwealth Attorney located at 55 West Church Street, Martinsville, Virginia 24112; as well as the service of pleadings to the Office of the Clerk, Martinsville Circuit Court, also located at 55 West Church Street, Martinsville, Virginia 24112.

The pleadings delivered to the Office of the Commonwealth Attorney, Glen Andrew Hall, Esquire, in a sealed envelope are the following:

1. Notice of Appeal, concerning "the final judgment of this Court by final order entered November 18, 2019"

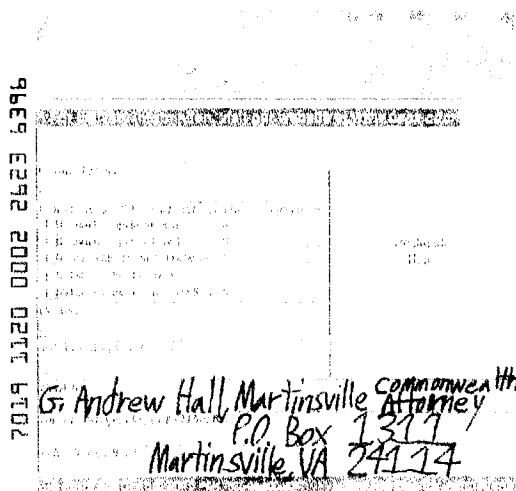
1



2. Notice of Appeal, concerning the "Court's denial, by order entered November 25, 2019, of Mr. Hill's motion to vacate fraudulent begotten judgment"

I had originally planned to mail those pleadings to the Commonwealth Attorney but I have a limited income of only my SSI disability money that is monthly. Legal mailings can get costly when there is the added "Certified Mail" tracking numbers and return receipt. I had decided to save some money and deliver the Notices of Appeal and another pleading to the Clerk's office. I had decided to keep the certified mail tracking numbers on both envelopes and just deliver them myself to save some money. That way those numbers have a unique identification number and I have a record of those very envelopes with the very unique numbers and this Affidavit of Service documents that very process of my service of the pleadings.

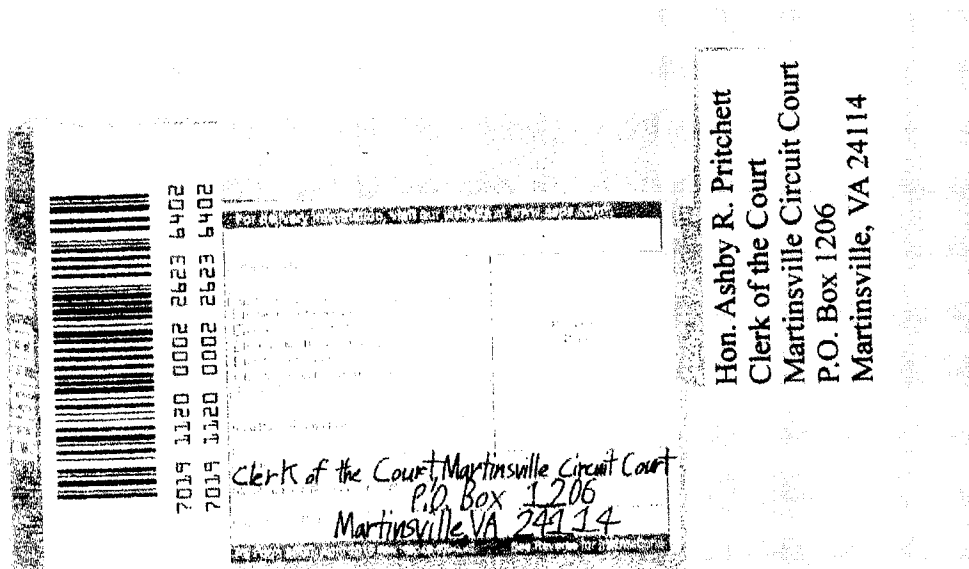
Anyways, the sealed envelope with the photocopies of the two NOTICES OF APPEAL, one NOTICE regarding the final order entered November 18, 2019 and the second NOTICE regarding the order on November 25, 2019, and the tracking number I was going to mail it out under was: 7019-1120-0002-2623-6396.





I had delivered it to the Commonwealth Attorney's Office around close to 4:00PM today on November 12, 2020, giving my best approximate time on time of delivery. I had received a receipt of the envelope and is attached to this AFFIDAVIT OF SERVICE.

As to the pleadings being delivered to the Clerk's Office of the Circuit Court of Martinsville, I had also planned to have originally mailed them under Certified Mail tracking number: 7019-1120-0002-2623-6402.



I figured that it was going to be costly with the volume of pages, and it would have likely been delivered by Monday of next week, and I thought why not just take the envelope and deliver it myself and save some money as the legal mailing costs eat up a lot of any remaining SSI monthly income money that I have left after rent and expenses on food and other needs like hygiene.

So before I had delivered the sealed envelope to the Commonwealth Attorney's office in the same building as the Office of the Clerk at the Circuit



Court of Martinsville, I had delivered a sealed envelope with three pleadings for the Clerk to file in my case.

The pleadings delivered to the Office of the Clerk, Circuit Court of Martinsville, Virginia, under the Hon. Ashby Pritchett, in a sealed envelope are the following:

1. Notice of Appeal, concerning “the final judgment of this Court by final order entered November 18, 2019”
2. Notice of Appeal, concerning the “Court’s denial, by order entered November 25, 2019, of Mr. Hill’s motion to vacate fraudulent begotten judgment”
3. “SECOND NOTICE OF FRAUD UPON THE COURT”, Criminal Action No. CR19000009-00, Civil Case No. CL19000331-00, Civil Case No. CL20000089-00, 48 pages with Exhibits

I had successfully faxed the pleading known as “SECOND NOTICE OF FRAUD UPON THE COURT” on November 7, 2020, but my mother checked the Online Case Information System 2.0 for the criminal case and noticed that the pleading had not been entered on the system. That was why I had printed out a copy of that pleading and placed it in the sealed envelope with the other two pleadings, referring to the two different NOTICE OF APPEAL pleadings. I wanted to make sure that the second time that they do enter this pleading into their document index aka the docket sheet for the very Commonwealth/State criminal case. I had also faxed a copy to the Commonwealth Attorney before faxing to the Circuit Court Clerk, with the proof of service to the Commonwealth in the fax to the Circuit Court Clerk.

I am just waiting for the Circuit Court to enter the three pleadings that I had hand delivered in a sealed envelope.



Attn.: Ms Stacie Renae Prillaman or any authorized Deputy Clerk To: Martinsville General District Court

Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 11/7/2020	Time: 5:14:41 AM
Number of pages: 49	Session duration: 12:06
Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk	To: Martinsville Circuit Court
Recipient's number: T1-276-403-5232	Message type: Fax
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\VA SECOND NOTICE of FRAUD UPON THE COURT(6)\Signed_W_Exhibits_TransmissionTicket (2020-11-07)	Error Correction: NoE
File description: VA SECOND NOTICE of FRAUD UPON THE COURT(6)\Signed_Resolution: 200*200 dpi	Record number: 8331
Recipient's Fax ID:	
Rate: 14400 bps	

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

	)	
<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	<b>Civil Case No. CL19000331-00</b>
<b>v.</b>	)	<b>Civil Case No. CL20000089-00</b>
	)	
<b>Brian David Hill,</b>	)	
	)	<b>SECOND NOTICE OF FRAUD</b>
<b>Defendant.</b>	)	<b>UPON THE COURT</b>

I have stated the facts herein as to my service of process of the two different NOTICES OF APPEAL and the service of "SECOND NOTICE OF FRAUD UPON THE COURT" to the Clerk of the Circuit Court of Martinsville.

I have stated the facts herein as to my service of process of the two different NOTICES OF APPEAL to the Office of the Commonwealth Attorney.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 12, 2020.



Attn.: Ms Stacie Renae Prillaman or any authorized Deputy Clerk: Martinsville General District Court

Respectfully submitted,

Brian D. Hill  
*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

[JusticeForUSWGO.wordpress.com/Pardon](https://JusticeForUSWGO.wordpress.com/Pardon)

[JusticeForUSWGO.wordpress.com](https://JusticeForUSWGO.wordpress.com)

Amazon: The Frame Up of Journalist Brian D. Hill



RECEIVED A DOCUMENT FROM BRIAN HILL

  
NAME

11-12-20  
DATE


Commonwealth v. BRIAN HILL

Copy

lao

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 11/13/2020 @14:00:04

ASHBY PRITCHETT, CLERK

TESTED:   
CLERK/DEPUTY CLERK



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	<b>AFFIDAVIT OF SERVICE</b>
<b>Brian David Hill,</b>	)	
	)	
<b>Defendant,</b>	)	

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7019 1120 0002 2623 6396

For delivery information, visit [usps.com](http://usps.com)

**CERTIFIED MAIL**

Certified Mail Fee	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

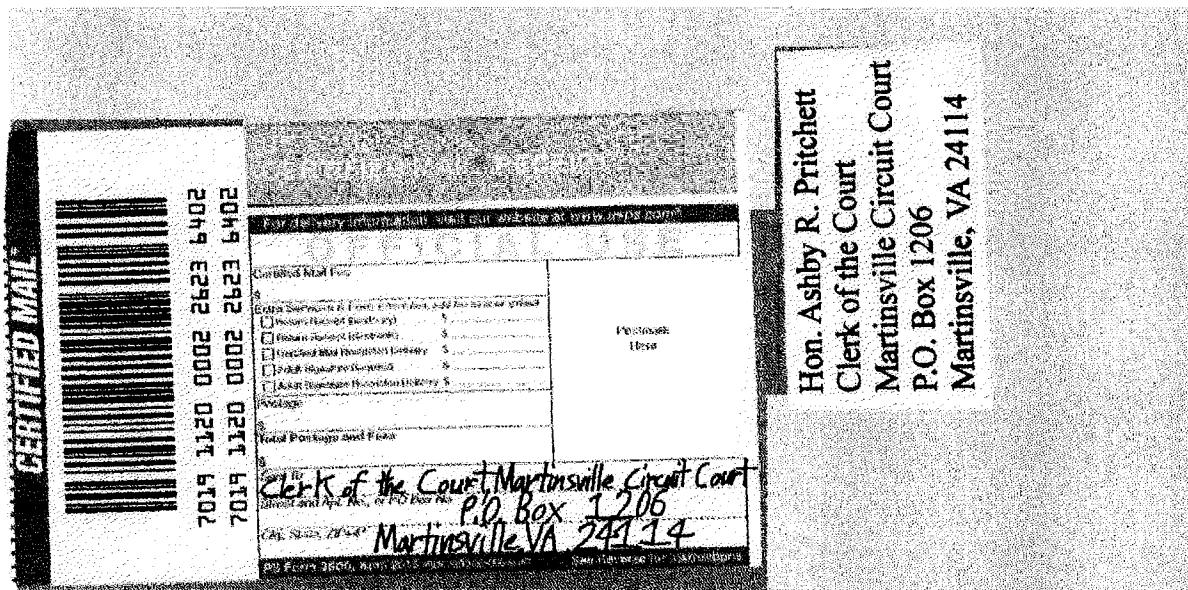
To: **Mr. Andrew Hall, Martinsville Commonwealth Attorney**  
Street and Apt. No., or P.O. Box No. **P.O. Box 1377**  
City, State, ZIP+4<sup>®</sup> **Martinsville, VA 24114**



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

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Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (<http://www.ventafax.com>)  
Transmission ticket for Fax ID: 276-790-3505

Date: 11/7/2020

Time: 5:14:41 AM

Number of pages: 49

Session duration: 12:06

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk

To: Martinsville Circuit Court

Recipient's number: T1-276-403-5232

Message type: Fax

Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\VA SECOND NOTICE of FRAUD UPON THE COURT(6)Signed\_W\_Exhibits\_TransmissionTicket (2020-11-07)

File description: VA SECOND NOTICE of FRAUD UPON THE COURT(6)Signed\_W Resolution: 200\*200 dpi

Recipient's Fax ID:

Record number: 8331

Rate: 14400 bps

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	<b>Civil Case No. CL19000331-00</b>
<b>v.</b>	)	<b>Civil Case No. CL20000089-00</b>
	)	
<b>Brian David Hill,</b>	)	
	)	<b>SECOND NOTICE OF FRAUD</b>
<b>Defendant.</b>	)	<b>UPON THE COURT</b>

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I have stated the facts herein as to my service of process of the two different NOTICES OF APPEAL to the Office of the Commonwealth Attorney.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 12, 2020.



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Respectfully submitted,

Brian D. Hill  
*Signed*

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Phone #: (276) 790-3505

**U.S.W.G.O.**

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

**JusticeForUSWGO.wordpress.com/Pardon**

**JusticeForUSWGO.wordpress.com**

Amazon: The Frame Up of Journalist Brian D. Hill



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

## RECEIVED A DOCUMENT FROM BRIAN HILL

*Brian David Hill*  
NAME

11-12-20  
DATE

Commonwealth v. BRIAN HILL

Copy

lao

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 11/13/2020 @12:43:40

ASHBY PRITCHETT, CLERK

TESTE: *[Signature]*  
CLERK/DEPUTY CLERK

*[Signature]*



**LETTER TO CLERK OF CIRCUIT COURT REGARDING MISSING  
DOCKJET/DOCUMENT ENTRIES – RE: COMMONWEALTH V. BRIAN  
DAVID HILL, CASE NO. CR19000009-00**

Monday, November 16, 2020

ATTN: Hon. Ashby R. Pritchett, Clerk  
Circuit Court of Martinsville, Virginia  
55 West Church Street, Room 205  
P.O. Box 1206  
Martinsville, VA 24114

Phone: 276-403-5106  
Fax: 276-403-5232  
GDC Fax: (276) 403-5114

CC: John Ira Jones, IV via FAX number  
804-717-5677

Dear Hon. Ashby R. Pritchett, Clerk,

I like to inquire on two different things.

First thing that my court appointed lawyer from the Court of Appeals of Virginia, John Ira Jones, IV, Esquire, told me to request the information regarding the Court Reporter for any and all hearings from the Circuit Court concerning my criminal case. He told me that the lawyer could do it but until a lawyer is appointed for my delayed appeals in the Court of Appeals of Virginia, I may not be able to get the transcripts furnished at State Expense as it would have to be through my lawyer. However he did tell me to go ahead and get this information now as I had filed my two different NOTICES OF APPEAL around November 12, 2020. The Clerk of the Court of Appeals of Virginia should have received a copy of those two different NOTICES OF APPEAL on November 16, 2020, as the U.S. Postal Service reported that my certified mail envelope was delivered today. So they also had received the copy of the two NOTICES OF APPEAL. So the issue of transcripts should be brought up as all Circuit Courts are supposed to be courts of record and are supposed to be able to produce transcripts of each and every hearing in the court of record. As the Circuit Court of Martinsville is supposed to be a court of record, as with all other Circuit Courts in the Commonwealth of Virginia, state law requires transcripts be made available for all hearings, especially trials, Writs of Habeas Corpus, and for purposes of appeals of right and successfully petitioned appeals. This is pursuant to Virginia Code § 8.01-420.3., Virginia Code § 19.2-165, Virginia Code § 17.1-128, Virginia Code § 19.2-215.9, Virginia Code § 19.2-212, Virginia Code §



19.2-166, or any other statute regarding Court Reporters.

So I need to know who the Court Reporter is and give this contact information to my newly appointed lawyer once the Court of Appeals of Virginia opens up the two delayed appeals again for appeal of right and/or petitioning for appeals. I assume it may be John Ira Jones as I have asked for his appointment as he only made a little mistake of not filing timely and owned up to his mistake. He deserves a second chance, so that is why I have asked for his appointment. If he is appointed as counsel for my appeals, then you can forward the Court Reporter and Transcript information to him instead of me.

Now as for my second inquiry and request.

My family keeps checking the Online Case Information System and the other case information system. A screenshot was captured showing that after November 5, 2020, no documents are being filed electronically. Criminal case no. CR19000009-00.

04/20/2020	Other	TTM			TABLE OF CONTENTS-ADD APLD
04/20/2020	Other	TTM			DIGITAL APPELATE REC SUBMT
04/21/2020	Appeal Notice	ERH			
04/23/2020	Letter	TTM			DEF TO CLK-NOT RECV COPY O
07/29/2020	Other	TTM			DIGITAL APPELATE REC-SUBMT
07/29/2020	Other	TTM			TABLE OF CONTENTS-ADD APLD
10/28/2020	Court Of Appeals Of Va Orders	TTM			GRANTED LEAVE REPLACE N/A
11/04/2020	Notice	TTM			OF FRAUD UPON THE CT-DEF
11/05/2020	Notice	TTM			OF FRAUD UPON THE CT-DEF
11/05/2020	Other	TTM			DIGITAL APPELATE REC SUBMT
11/05/2020	Other	TTM			TABLE OF CONTENTS-ADD APLD

[Return to Case](#)[Main Menu](#)[Logoff](#)

I am concerned about this as the evidence filed in my "SECOND NOTICE OF FRAUD UPON THE COURT" has information and evidence attached that is not included in my first filed "NOTICE OF FRAUD UPON THE COURT" pleading. I also didn't mean to have filed that twice as I assumed the first one may not have been received but after the elections it



seems like the whole system is not being updated quickly like it usually was.

I have tried to refrain from faxing the SECOND NOTICE OF FRAUD UPON THE COURT again due to the voluminous pages of 48 or 49 pages. That was why I had delivered a second copy of that pleading via hand delivery in a sealed envelope on November 12, 2020. Then I also signed an "AFFIDAVIT OF SERVICE" also certifying that I had hand delivered the pleadings. That includes NOTICE OF APPEAL concerning the final judgment, the second NOTICE OF APPEAL concerning the denial of a motion to vacate fraud upon the court, and the "SECOND NOTICE OF FRAUD UPON THE COURT".

My family keeps checking the OCIS and not even the NOTICES OF APPEAL are showing up and this concerns me. The Affidavit of Service is not showing up.

This newly evidenced fraud upon the court documentation includes evidence that the arresting Officer Robert Jones, Investigator and Sergeant of Martinsville Police Department, had admitted under transcript and under oath that he never subpoenaed the Sovah Hospital Records and told the Court that they would do lab work and other stuff but I have evidence contradicting what Officer Robert Jones had claimed under obtaining a true and corrupt copy of all medical records concerning September 21, 2018. Either officer Robert Jones had committed perjury from the date of the original ARREST WARRANT charging me with indecent exposure, or he is ignorant and incompetent.

Whatever the case may be, there was a major DEFECT in charging me with indecent exposure. A copy of that pleading was successfully filed in the United States District Court for the Middle District of North Carolina, Document #267, case no. 1:13-cr-435-1. This document is being reviewed by a Federal Judge as part of the fraud upon the court documentation and requests for sanctions. They are likely wondering whether your court had filed the SECOND NOTICE OF FRAUD UPON THE COURT and it's federal transcript certified and other evidence under oath or affirmation. This evidence does indeed further prove fraud upon the court as it proves that I was not medically cleared and that Officer Jones pushed that I was medically cleared while he admitted in Federal Court that he did not ask for



the details concerning me being discharged from the Hospital and did not subpoena my medical records, and he let evidence be destroyed, that is spoliation of evidence, which is unlawful under 18 U.S.C. Section 1519, punishable up to twenty years in Federal Prison. Officer Jones may face Federal Imprisonment if he allowed blood samples and evidence to be destroyed which would influence a Federal Law Enforcement Officer or Investigation by the U.S. Probation Office in the Western District of Virginia and the Middle District of North Carolina.

To convict someone under 18 U.S.C. Section 1519 of falsifying or destroying evidence related to a federal investigation which can include investigations of supervised release violations of those on federal supervision sentences, the government must prove two things beyond a reasonable doubt: (1) the documents or "tangible object" destroyed or falsified was relevant to a federal matter; and (2) that the defendant falsified, destroyed, or concealed it with the intent to obstruct a potential or pending investigation.

As Officer Robert Jones knew that Brian David Hill was on federal probation and had written down the contact information of Brian's U.S. Probation Officer Jason McMurray of Roanoke, VA, on September 21, 2018, he let blood vials be destroyed, he let the body-camera footage also be destroyed, and the that laboratory tests be canceled then testifies under Oath in Federal Court that the Hospital did lab tests and other stuff. He had let evidence be destroyed when Brian said he thought he was drugged on the day of his arrest, told his lawyer which is within the evidence of the pleading "SECOND NOTICE OF FRAUD UPON THE COURT". So the first court appointed lawyer Scott Albrecht knew that Brian claimed he was drugged but no drug test was ever done and evidence was destroyed influencing Federal Probation Officers to charge Brian David Hill with a supervised release violation punishable up to 9 months imprisonment.

Thus Officer Robert Jones, Scott Albrecht and maybe even Lauren McGarry, and Glen Andrew Hall, Esquire, may be in violation of 18 U.S.C. Section 1519 and should face imprisonment for their crimes. All knew that there was exculpatory evidence favorable to Brian David Hill being actually innocent of indecent exposure and yet they pushed for the conviction of Brian David Hill on December 21, 2018, during the winter solstice, which is



odd timing. Everything the Deep State Swamp does to hurt innocent people are always on specific and odd days and timelines as part of their rituals and behaviors.

Anyways, there is a reason I am bringing all of this information up. They have knowingly violated Federal Law and influenced the Federal Probation Officers in a way by destroying blood evidence and body-camera footage. They destroyed any evidence while stating under oath falsely that Sovah Hospital conducted lab work and other stuff as from the Transcript. They lied or were ignorant which is false facts under oath. They weren't even completely sure that Brian David Hill was even supposed to be medically cleared under the standards and ethics of Virginia and Federal Medical Codes (CFR).

Officer Robert Jones may have defrauded the court by making false assumptions, maybe even under oath when charging Brian David Hill with indecent exposure. They cannot hide behind Brian being forced to do everything through his lawyer or it is ignored. Evidence had been destroyed during a Federal Supervised Release Violation investigation. Evidence that should have been retained to comply with federal law.

So I do ask you to add those pleadings to the Online Case Information System for my family to be able to look it up.

If for some reason, whatever reason it is that you cannot update the OCIS system to include the pleadings given to your office by hand delivery in an envelope on November 12, 2020, as well as faxing the "SECOND NOTICE OF FRAUD UPON THE COURT", I please ask that you write me a letter by mail acknowledging that it had been filed in my Commonwealth/State criminal case no. CR19000009-00.

Please send me a letter as soon as possible about these issues. As for the transcript issue, that will be up to my next court appointed lawyer unless that appointment is already John Ira Jones, IV, Esquire. I need a paper or some kind of documentation about the filing of the two different NOTICES OF APPEAL and the "SECOND NOTICE OF FRAUD UPON THE COURT" regarding the new evidence of Officer Robert Jones.



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Thank You. I appreciate the time and effort that goes into answering my request and inquires. Thanks and God Bless You. Where We Go One We Go All.

*Brian D Hill*  
*Signed*

Thank You,  
Brian D. Hill  
Ally of Qanon  
Former news reporter of USWGO Alternative News  
310 Forest Street, Apt. 2  
Martinsville, Virginia 24112  
(276) 790-3505



JusticeForUSWGO.NL  
JusticeForUSWGO.wordpress.com  
JusticeForUSWGO.NL/pardon  
JusticeForUSWGO.wordpress.com/pardon

*11/16/2020*  
*11:30 AM*  
*By [signature]*

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,

**ORDER**

v.

Case No. CR19000009-00

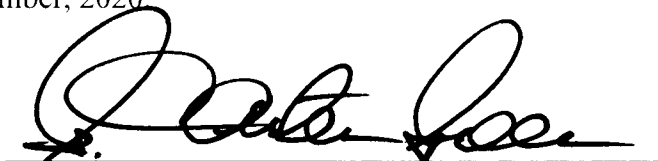
BRIAN DAVID HILL

It appearing to the Court that the defendant has appealed his convictions, and that the Court of Appeals has ordered this Court to appoint counsel to represent the defendant, it is accordingly

ORDERED that John Jones be and he is hereby appointed to represent the above-named defendant on the above case pending in the Court of Appeals.

The Clerk of this Court is directed to mail or deliver a copy of this Order to the Commonwealth's Attorney, John Jones, and the Clerk of the Virginia Court of Appeals.

ENTER this 14<sup>th</sup> day of December, 2020

A handwritten signature in black ink, appearing to be "John Jones", written over a horizontal line.

Judge

## **VIRGINIA:**

*In the Court of Appeals of Virginia on Monday the 11th day of January, 2021.*

Brian David Hill, Appellant,

against Record No. 0578-20-3  
Circuit Court No. CR19000009-00

Commonwealth of Virginia, Appellee.

Brian David Hill, Appellant,

against Record No. 0657-20-3  
Circuit Court Nos. CR19000009-00, CL20000089-00 and CL19000331-00

Commonwealth of Virginia, Appellee.

From the Circuit Court of the City of Martinsville

Brian David Hill, appellant, filed a petition for appeal on May 13, 2020, challenging the trial courts orders denying his post-conviction motions to waive legal fees and to discharge legal fees.<sup>1</sup> Upon review of the record, we conclude that appellant's notices of appeal are fatally defective because they fail to properly name the City of Martinsville as appellee. Accordingly, we dismiss the petition for appeal in these consolidated cases.

At 5:38 a.m. on September 21, 2018, Martinsville Police Sergeant R. D. Jones executed an arrest warrant against appellant for indecent exposure in violation of §§ 13-17/18.2-387.<sup>2</sup> The heading of the warrant reads: "WARRANT OF ARREST—MISDEMEANOR (LOCAL)." In the general district court, appellant was found guilty "as charged" and sentenced to thirty days in jail, all suspended. Appellant then appealed his conviction to the circuit court. The notice of appeal was styled "City v. Hill, Brian David."

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<sup>1</sup> By order of September 28, 2020, this Court granted appellant's motion to consolidate his appeals and to consider appellant's single petition for appeal in both cases.

<sup>2</sup> The criminal complaint cited only the local ordinance, § 13-17 "Indecent Exposure."

Upon appellant's motion for leave to withdraw his appeal, the Circuit Court for the City of Martinsville entered an order affirming the district court's judgment and assessing costs against appellant by order of November 18, 2019. See Code § 16.1-133. The circuit court's order is styled "Martinsville v. Brian David Hill" and, although it recites Code § 18.2-387, it also reflects that appellant was convicted under a "Local Ordinance." Thereafter, appellant filed a motion in the circuit court to "waive" legal fees and an "emergency" motion to "discharge" legal fees, which the circuit court denied by orders of April 10, 2020, and April 2, 2020, respectively. Appellant's notices of appeal name the Commonwealth as appellee.

On October 9, 2020, appellant filed an amended petition for appeal,<sup>3</sup> once again naming only the Commonwealth as appellee and challenging the circuit court's denial of his motions to discharge or waive legal fees. No response has been filed in the name of the City of Martinsville or on behalf of the Commonwealth.

In Roberson v. Commonwealth, 279 Va. 396, 406 (2010), the Virginia Supreme Court held that "[t]he controlling documents for determining what entity served as the prosecuting authority in a criminal trial are the instrument, that is the summons, warrant, or indictment, under which the charge is brought and the orders of conviction and sentencing that conclude the trial." Here, both the original arrest warrant and the final circuit court's judgment order clearly establish that the City of Martinsville, not the Commonwealth, was the prosecuting authority by their reference to a local ordinance as the basis for the prosecution. As the prosecuting entity, the City of Martinsville is an indispensable party to this appeal, Woody v.

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<sup>3</sup> The original petition did not comply with Rule 5A:12(c)(1) because the assignments of error were not set forth under a separate heading entitled "Assignments of Error." On September 29, 2020, the Court notified appellant of the defect in the petition and directed him to file an amended petition for appeal that complied with Rule 5A:12(c)(1). Although appellant filed an amended petition for appeal, he did not correct the deficiency identified. Thus, on November 4, 2020, the Court ordered appellant to show cause why his petition should not be dismissed considering his failure to cure the defect noted. The show cause order expressly warned that failure to respond could result in dismissal of the appeal. Appellant responded to the Court's show cause order by explaining that the petition contained a heading labeled "Assignments of Error" and that he did not know what more was required. He also requested the appointment of counsel. Because we conclude that appellant has not properly invoked this Court's jurisdiction, his request for appointment of counsel is denied.

Commonwealth, 53 Va. App. 188, 196-200 (2008), but appellant failed to name the City in his notice of appeal.

Nevertheless, we recognize that because a “defect in the notice of appeal that does not touch on its timeliness or the identity of the case to be appealed is procedural only[.]” the failure to identify a necessary appellee is subject to being waived if the unnamed appellee participates in the merits of the appeal despite the defective notice. Roberson, 279 Va. at 407. There has been no appearance by the City constituting a waiver of the procedural defect in the notice that would allow this Court to exercise its active jurisdiction.<sup>4</sup> Compare Ghameshlouy v. Commonwealth, 279 Va. 379, 394 (2010) (finding waiver where the City and the Commonwealth jointly briefed the issues in the appeal and addressed appellant’s express argument regarding a conviction based on a violation of a local ordinance). Accordingly, we dismiss the appeal.

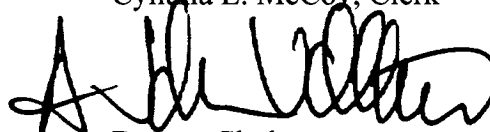
This order shall be certified to the trial court.

A Copy,

Teste:

By:

Cynthia L. McCoy, Clerk



Deputy Clerk

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<sup>4</sup> Receipt of notice of appeal by the assistant Commonwealth’s attorney who prosecuted the case does not equate with naming the City or even providing it constructive notice. Although some aspects of the assistant Commonwealth’s attorney’s employment may appear to make him an employee of the locality, he is, in fact, an employee of an independent constitutional officer and not the locality. See Doud v. Commonwealth, 282 Va. 317, 321-22 (2011); Carraway v. Hill, 265 Va. 20, 24 (2003) (“While constitutional officers may perform certain functions in conjunction with units of county or municipal government, neither the officers nor their offices are agencies of such governmental units.”).



3/19/2021

3:27:13 PM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/ 10

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

REQUEST FOR TRANSCRIPTS FROM CIRCUIT COURT OF  
MARTINSVILLE  
LETTER TO COURT OF APPEALS OF VIRGINIA IN THE CITY OF  
RICHMOND AND CLERK OF THE CIRCUIT COURT OF  
MARTINSVILLE

Re: Brian David Hill v. Commonwealth of Virginia, City of Martinsville  
Record No. 1294-20-3, 1295-20-3  
(Appeal of criminal conviction, Appeal of denial of a Motion)

Friday, March 19, 2021 02:55 PM

<b><u>ATTN: Clerk of the Court</u></b> Court of Appeals of Virginia	<u><a href="mailto:cavbriefs@vacourts.gov">cavbriefs@vacourts.gov</a></u> 109 North Eighth Street, Richmond, Virginia 23219-2321
<b><u>ATTN: Clerk of the Court</u></b> <b><u>Hon. Ashby Pritchett</u></b> Circuit Court of Martinsville	<u><a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a></u> 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114

Dear Clerk of the Court, Court of Appeals of Virginia and Circuit Court of Martinsville,

My lawyer John Ira Jones, IV, still has refused to communicate with me even after being given the Record on Appeal. I confirm with the Clerk that I have the records for my Appeals, to properly comply with the Rules of Court requiring me to properly cite the Errors and properly cite the Records at issue for the Appeal cases. I still have to ask the Circuit Court Clerk Ashby Pritchett who the Court of Appeals can contact at [apritchett@vacourts.gov](mailto:apritchett@vacourts.gov) and phone number 276-403-5106 in regards to Transcripts of the Circuit Court of Martinsville.

The Circuit Court of Martinsville is a Court of Record. By Virginia law or even Federal Law in regards to criminal case proceedings, State Courts of Record are required to have transcripts of any or all criminal case hearings in the Courts of Law.

I am In Forma Pauperis, Indigent, and cannot afford to pay for the cost of the Transcript and request that it be paid for by the Commonwealth. If my lawyer has to be the one to request it, then I please ask for a Court Order from either the Circuit Court or the Court of Appeals to demand that my lawyer John Ira Jones, IV, request the



Transcripts so that it can be at Government Expense, as it is his job as an officer of the Court and as a ethical lawyer do request the Transcripts to bring up any errors that may or may not be considered reversible on Order and Remand if the Petition for Appeal is granted.

I will not let my lawyer sabotage me and my appeal. I will not let my lawyer sabotage my criminal case or my appeals. He already was caught not filing any pleading or motion with the Court of Appeals last year in two of my direct criminal appeals and both appeals were dismissed. He did the right thing and filed motions for delayed appeals and did help me with the new notices of appeal which were timely filed last year. However since then he has not communicated with me at all. Usually these things normally happen when somebody is being given some form of pressure, could be even threats or blackmail or bribery, usually in the grand scheme of political corruption that this type of stuff would happen throughout our Nation's history and I am concerned if there were any efforts to threaten the lawyer to sabotage the defense team like what they had actively done to Donald Trump's lawyers, political folks threatening his lawyers to sabotage his Impeachment hearing defense. So if John Ira Jones is being in any way, pressured in any way, threatened or blackmailed, then I ask that he admit to it if that is the case. If that is not the case then he should explain why I and my mother Roberta Hill are having to do all of the work instead of John Ira Jones, IV for these new Appeals that were timely filed. I have every right to suspect things like threats and blackmail since the revelations that came from highly credible and licensed Attorney L. Lin Wood who released statements on Twitter in January, 2021, that my family has screenshots of those Tweets in image formation and gave me those images as evidence, evidence showing that Judges and Politicians are being blackmailed with child rape and murder videotapes. I have submitted all of that evidence to the Court of Appeals through my mother Roberta Hill on March 15, 2021 in case no. 0219-21-3, in the event that I decide to file an original Writ of Mandamus to bring up the Judges and Politicians being blackmailed statements from Attorney L. Lin Wood and have him subpoenaed to determine if any Virginia Judges were affected by Judicial Criminal Blackmail concerning alleged snuff videos from the U.S. Intelligence Agencies that were obtained by a group called The Lizard Squad who gave that material allegedly to Attorney Lin Wood as per his public statements, which may have affected my State criminal case, my Writ of Habeas Corpus case, and my Petition for Writ of Error Coram Vobis. This alleged blackmail evidence statements is directly from L. Lin Wood and he is the source of this information to which I am alleging. Heck I have heard President Trump's lawyers were being given death threats to pressure them out of his cases. So I have every right to suspect that my lawyer may be given threats. I even had evidence from Attorney Susan Basko that she sent my mother Roberta Hill an email stating that they were threatening Attorney Susan Basko with planting child porn in her house and were threatening another one of my court



appointed lawyers by mentioning the name of one of my court appointed lawyers and they were using a tormail address according to Susan Basko in 2015, so I have had evidence in the past that my Federal court appointed lawyer named may have been threatened by criminal evil doers. At least one of their names was mentioned in a very nasty threatening email that Susan Basko had received and forwarded the dirty language and email address of that nasty tormail email to my mother to show us how bad things were getting in my case. Anyways enough of the blackmail and/or threat garbage that I have had to deal with since my Federal case. I have every right to suspect anything at this point until the crazy stuff is over and done with, whenever that will be. I don't even know, why I am being targeted for so long and while I keep being targeted and treated unfairly in the Court System.



## Tweet



**Lin Wood**  
@LLinWood

...

This blackmail scheme is conducted by members of 10 of world's most well-known & "elite" intelligence agencies.

One of those groups was hacked by a group known as Lizard Squad. The blackmail files of rape & murder were obtained by this group & copy was provided to Isaac Kappy.



**Lin Wood** @LLinWood · Jan 4

I believe Chief Justice John Roberts & a multitude of powerful individuals worldwide are being blackmailed in a horrendous scheme involving rape & murder of children captured on videotape.

I have the key to the files containing the videos. I have also shared this information.

2:17 AM · Jan 4, 2021 · Twitter for iPhone

**24K** Retweets **1.4K** Quote Tweets **50.9K** Likes



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court



## Tweet



**Lin Wood**  
@LLinWood



I would never make an accusation without having reliable source for it. Stakes are too high. So I did due diligence to validate the accuracy of the shocking information I am revealing tonight. I am entirely comfortable that you are learning the truth. A truth that explains much.

3:01 AM · Jan 4, 2021 · Twitter for iPhone

**36.6K** Retweets **1.6K** Quote Tweets **113.5K** Likes



**Sidney Maratty** 🇺🇸 🇩🇪 🇬🇧 🇨🇦 🇦🇺 🇯🇲 🇵🇰 🇮🇳 🇮🇹 🇪🇺 🇦🇪 @SidneyMaratty · 16h  
Replying to @LLinWood



Yes, I took liability courses, doctors, lawyers have a higher duty of care. I know this I to be true normally went application came in for Liability insurance we had to get special permission from higher ups..for hockey players. I believe you I discern people. Trolls so perfec





## Tweet



**Lin Wood**

@LLinWood



The blackmail targets are approached with a gun, a child, & a camera. The target is ordered to rape the child on video. The target is then ordered to shoot the child on video. The target is then owned & controlled by the blackmailers until blackmail evidence loses its value.

2:22 AM Jan 4, 2021 · Twitter for iPhone

**34.7K** Retweets **4.4K** Quote Tweets **75.3K** Likes

Anyways, I would like to request the Transcripts for the following hearings:

1. August 30, 2019
2. August 27, 2019
3. November 15, 2019
4. July 15, 2019
5. June 4, 2019
6. April 23, 2019
7. January 28, 2019

So I would like to request that all of those Transcripts be created and transmitted to the Court of Appeals of Virginia for both direct criminal case appeals in CAV No. 1294-20-3, 1295-20-3.

If there are no Transcripts for any of those listed hearings then why was there no Court Reporter present even though that violates Virginia Law to have no recorded



Transcript of any kind. Transcripts are necessary for criminal cases for Courts of Record to point out any Errors of Record and why the specific Errors were made by a Lower Trial Court. If a State Court of Record does not have such records of what was even said at these hearings then why has the Circuit Court not done so and why would they not comply with the basic laws to protect the rights of criminal defendants who could face conviction, imprisonment, or acquittal at the State Courts of Record?

Also I would like to know who the Court Reporters are that were present at those hearings or if there were any officials there who had made audio recordings or any recordings of those hearings? Where are their offices and contact information to request such information?

I would like to know this as soon as possible before I start typing up my "Petition for Appeal" pleadings for both cases. It is very important for my "Assignments of Error" that I know what the errors are. I cannot honestly know these Errors of the Court without the Transcripts. I have half of what I am required to have according to the Rules of the Court of Appeals, or any of the other Rules of Court.

I have the Record on Appeal, I am grateful to the Court for giving me access to the entire Record and in a format that my mother was able to provide me a copy of while I remain compliant with my Supervised Release conditions. However last year John Ira Jones told me one of the things I should ask for from the Clerk is who the Court Reporters are to attempt to get the Transcripts, and then he would go and get the Transcripts because they would be at Commonwealth expense as he said to me he is aware of how expensive they are but I would need those records to have a better chance to prevail on Appeal, as the Clerk in the CAV would normally want me to cite any Transcript records when appealing. I am aware of the Transcript requirement because of my Federal Criminal Case in 2014. Also I am aware that in Virginia the Federal Courts there also required Transcript for criminal case matters.

If you cannot provide Transcripts at Government expense to non-lawyers then please appoint me a new lawyer or order the lawyer to do his job and ask for the Transcripts or appoint me new counsel because it is clear that somebody has pressured or threatened my lawyer for him to just stop doing his job and not even communicate with me or my mother when he emailed my mother last year to give me access to his filed Motions for Delayed Appeals. I want answers NOW. I may have to inquire on more issues regarding the people involved in my case and find the answers that I seek. I have kept Lin Wood updated on my Federal situation, my family and friends contacting UnCover-DC Top Editor Tracy Beanz and getting their attention to the corruption involving my Federal and State cases. If this cannot be resolved which clearly violates



more laws and more of my Constitutional rights then I may have to ask Lin Wood to investigate all State Actors, to look into why Martinsville Police or Sovah Hospital would have destroyed the blood vials and destroyed the policy body-camera footage which I had requested long before it's evidence retention period would have ran out, and anybody else trying to give me a rough time over simply be asking for my Constitutional rights given to all Criminal Defendants as guaranteed by Law, by Constitution, by the U.S. Supreme Court. Somebody is being threatened or pressured here, somebody is being given the orders to put me through a lot of torment, Government verbal abuse against me. Lying about me, not letting me prove my innocence. Somebody is being blackmailed or threatened here, Somebody is being pressured. I didn't kept claiming that I am an Ally of Qanon for nothing. I became an ally of Qanon because of the rampant Government corruption and abuses, corruption in the Courts, the Criminal Enterprise of Government bad actors. I have rights here, I am an American Citizen and am entitled to my Constitutional rights. I have Constitutional rights and part of that Due Process rights is me having the Transcript of the criminal case hearings. I am tired of being a VICTIM of Government Corruption, verbal abuse and physical medical neglect type abuse where my Diabetic blood sugars were not being taken the best care of so that is Government physical abuse against me, and Tyranny here.

So please give me and the Court of Appeals access to the Transcript Record or give me a new appointment of Counsel to request the Transcripts. If the Court has no Transcript then why did it not comply with the Transcript requirements of law for Trial Courts of Record. All criminal hearings and Trial Courts usually require Transcripts or audio recordings that are tangible otherwise I can request a New Trial in a different Court of Record that will comply with State Law and/or Federal Law.

Respectfully filed with the Court,  
This the 19<sup>th</sup> day of March, 2021.

Brian D. Hill  
*Signed*

Brian D. Hill

Brian D. Hill

Appellant

Former news reporter of U.S.W.G.O. Alternative News

Ally of QANON

310 Forest Street, Apartment 2

Martinsville, Virginia 24112





(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

### CERTIFICATE OF SERVICE

On March 19, 2021, I, Brian David Hill certify that the original of this foregoing letter/pleading was transmitted to the Clerk of the Court of Appeals of Virginia and that a copy of this foregoing letter/pleading had been transmitted to the following parties:

1. Commonwealth of Virginia, Appellee
2. City of Martinsville, Appellee,

by having representative Roberta Hill filing his pleading on his behalf with the Court through VACES, Respondents served by email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net) with request of read receipt, transmit a copy of this pleading to the following attorneys who represent the above appellees' as well as the Clerk by VACES:

Mark R. Herring, Esq. Office of the Attorney General of Virginia <a href="mailto:mherring@oag.state.va.us">mherring@oag.state.va.us</a> 202 North Ninth Street Richmond, VA 23219 Attorney for Appellee	Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a> 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for Appellee
Filed through VACES: Clerk of the Court Court of Appeals of Virginia <a href="mailto:cavbriefs@vacourts.gov">cavbriefs@vacourts.gov</a> 109 North Eighth Street, Richmond, Virginia 23219-2321	John Ira Jones, IV, Esq. Attorney of Record from Appellant <a href="mailto:jones@johnjoneslawplc.com">jones@johnjoneslawplc.com</a> 9520 Iron Bridge Rd, Ste. 204 Chesterfield, VA 23832-6455
All individuals were emailed by <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a> , on March 19, 2021.	

The reason why Brian David Hill must use such a representative/Assistant to serve such pleading with the Clerk on his behalf is because Brian is currently still under



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading.

That should satisfy the Certificate of Service regarding letters/pleadings. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

*Brian D. Hill*  
*Signed*

**Brian D. Hill**

Brian D. Hill  
Appellant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of QANON  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505



**U.S.W.G.O.**

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 03/22/2021 @10:00:42

ASHBY PRITCHETT, CLERK

TESTE: *AS*  
CLERK/DEPUTY CLERK  
*by fax*

CIRCUIT COURT CLERK'S OFFICE  
**City of Martinsville**  
POST OFFICE BOX 1206  
MARTINSVILLE, VIRGINIA 24114-1206



ASHBY R. PRITCHETT, CLERK

March 22, 2021

Brian David Hill  
310 Forest Street  
Apartment 2  
Martinsville, Virginia 24112

Dear Mr. Hill:

We are in receipt of your request for transcripts. Please be aware that regarding your appeals, we have sent everything to the Court of Appeals and any further correspondence should be sent directly to them.

Thank you for your attention in these matters.

Sincerely yours,

Martinsville Circuit Court

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF,

v.

BRIAN DAVID HILL,  
DEFENDANT.

CASE NO: CR19000009-00

**MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW  
EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME  
OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF  
EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA;  
REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW  
HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL  
EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE,  
ALSO LIKELY DESTROYED**

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and moves this Honorable Court for the following, for judgment of acquittal or a Writ of Actual Innocence based upon new admissible evidence which could not have been legally considered admissible in 2019 until a new law had passed in 2021; and new evidence that the Commonwealth of Virginia by and through Martinsville Police Department had violated one or multiple Court Orders on omission and destruction of discovery materials aka Brady materials pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and pursuant to the Court

Orders. **This Motion is pursuant to Virginia Rules of the Sup. Ct. 3A:15;** Virginia Code § 19.2-271.6; and Schlup v. Delo, 513 U.S. at 327 — 28. Settles v. Brooks, Civil Action No. 07-812, 18 n.6 (W.D. Pa. Jun. 26, 2008).

The request for judgment of acquittal is for criminal case no. CR19000009-00; charge of violating Virginia Code § 18.2-387. Indecent exposure dated September 21, 2018; and the criminal conviction judgment which was rendered on November 18, 2019.

Defendant requests in this motion that the Court consider all new **STATEMENT OF FACTS** concerning new facts of mental illness/disability/disorders which were not admissible at the time of the criminal conviction and spoliation of evidence by the Commonwealth, and that these **STATEMENT OF FACTS** warrant a judgment of acquittal, A Writ of Actual Innocence, or an evidentiary hearing to make a determination on the new facts and allow both sides to present evidence to the Court; present any witnesses for direct examination and cross examination; and make a determination if Defendant had made a requisite showing of Actual Innocence through Legal Innocence, meaning that the law was never violated that a conviction cannot be sustained with the new evidence.

This Motion is pursuant to Virginia Rules of the Sup. Ct. 3A:15; Virginia Code § 19.2-271.6; and Schlup v. Delo, 513 U.S. at 327 — 28. Settles v. Brooks, Civil Action No. 07-812, 18 n.6 (W.D. Pa. Jun. 26, 2008) (“The Supreme Court in Schlup explained that an actual innocence claim in the context of seeking to have a procedural default “forgiven” so as to have the procedurally defaulted claims reviewed on the merits is a “gateway” claim. In other words, the claim of actual innocence in the Schlup context is not a claim that because I am actually innocent by virtue of that fact alone I am entitled to federal habeas relief but, rather, is a claim that contends because I am actually innocent, the court should **forgive my**

**procedural default in the State courts and consider my procedurally defaulted claims on their merits. Schlup, 513 U.S. at 315.”)**

Settles v. Brooks, Civil Action No. 07-812, 16 (W.D. Pa. Jun. 26, 2008)  
 (“Petitioner counters that this evidence of his actual innocence overcomes the procedural default because to not entertain his **procedurally defaulted claim of actual innocence would result in a complete miscarriage of justice.**”)

This Court’s criminal conviction entered on the judgment of November 18, 2019, against Brian David Hill, an innocent man, is not a final judgment as the timely direct appeal of that criminal conviction is still pending after filing a timely NOTICE OF APPEAL (CAV Appeal no. 1295-20-3) to the Supreme Court of Virginia on September 9, 2021. Still pending. Therefore the final judgment had not been entered yet and this MOTION is being filed during the appeal pending process of Direct Appeal of the criminal conviction in this case. A judgment is usually not final until a timely appeal had concluded by the highest appeal Court available. Therefore this Motion should not be barred by any time limits. Also “Actual Innocence” is not procedurally time barred and “Actual Innocence” claims cannot be time barred. “Actual Innocence” is not procedurally barred.

Before the Statement of Facts, let us examine a new law as to admissibility of evidence material and relevant to his criminal charge, previously not admissible in the year, 2019, when Defendant had withdrawn his appeal. Defendant had not plead guilty and had retained his right to prove his Actual Innocence and overturn his conviction at a later date. With the new Virginia law in 2021, today is that day.

**CITATION OF § 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth.**

A. For the purposes of this section:

"Developmental disability" means the same as that term is defined in § 37.2-100.

"Intellectual disability" means the same as that term is defined in § 37.2-100.

"Mental illness" means a disorder of thought, mood, perception, or orientation that significantly impairs judgment or capacity to recognize reality.

B. In any criminal case, evidence offered by the defendant concerning the defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant, is not evidence concerning an ultimate issue of fact, and shall be admitted if such evidence (i) tends to show the defendant did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

## **STATEMENT OF FACTS**

The Statement of Facts is hereby presented to the Circuit Court for Martinsville based on the following new pieces of evidence:

1. Defendant suffers from a neurological mental condition/illness and disorder since childhood known as Autism Spectrum Disorder, this disorder is in The Diagnostic and Statistical Manual of Mental Disorders (DSM). It is a highly diagnosed disorder on many kids with unusual behavior issues in schools and daycares, and is a known disorder. Autism follows the child into adulthood and is considered a permanent neurological disability. Defendant had suffered from such disorder before the time of the alleged incident on September 21, 2018, during the time of the alleged incident on September 21, 2018, and after the time of the alleged

incident on September 21, 2018. This new Virginia Law and the evidence presented by Defendant plays a role in proving that there was NO INTENT to violate Virginia Code, citing Mens Rea, in regards to the charge of Virginia Code § 18.2-387. Indecent exposure, on September 21, 2018. See EXHIBIT 1 (EXHIBIT PAGES 1-3), EXHIBIT 10 (EXHIBIT PAGES 131-137), EXHIBIT 11 (EXHIBIT PAGES 138-139), AND EXHIBIT 12 (EXHIBIT PAGES 140-146).

2. Defendant was diagnosed in October, 2018, as to suffer from a psychosis after making statements about a guy wearing a hoodie threatening to kill his mother if he had not gotten naked. Psychosis Disorder was given to Brian David Hill by Psychiatrist Dr. Conrad Daum, a forensic psychiatrist. Psychosis was found in relevance to and material to the alleged incident on September 21, 2018, regarding the alleged indecent exposure allegations against Brian David Hill.
3. Only in 2019, when the Jury Trial was scheduled for December 2, 2019, Defendant's only best viable option at the time was to attempt to plead not guilty by reason of INSANITY, as at the time was Defendant's only option, but that option was not available to Defendant due to lack of sufficient evidence for the Circuit Court to find Defendant not guilty by reason of insanity. Now with the Legislature's 2021 passage of Virginia Code § 19.2-271.6, **Defendant now can declare himself not guilty by evidence of his mental disorders/illnesses/disabilities and no intent by reason of Autism Spectrum Disorder, Psychosis, and Obsessive Compulsive Disorder.** In regards to INTENT, the intent element of his charge, **Brian David Hill is innocent of the intent element and the intent element by the Commonwealth is disproven by the 2021 admissible evidence which was not admissible in 2019.**
4. The STATEMENT OF FACTS paragraphs 1 and 3; and paragraphs 18-23; could not have been used for the Jury Trial prior to Defendant withdrawing his appeal, filed on November 12, 2019, because the statute/law of Virginia Code § 19.2-

271.6 had not existed until 2021 after the General Assembly passed such bill into law and the Governor's approval by signing the legislation. In 2019, during the pendency of his Trial De Novo, Defendant was only permitted to try for mental insanity plea but that is a very high bar with ghastly consequences of indefinite detention in a State Mental Hospital if it had succeeded. Now thanks to the new 2021 law, now the defendant has another admissible and legal defense and that is his defense of Autism, Obsessive Compulsive Disorder, and Psychosis proving that Defendant had no intent of violating Virginia Code § 18.2-387; and intent is required to be proven to convict Defendant of the charge of violating Virginia Code § 18.2-387. All elements of a criminal charge and allegations must be proven beyond a reasonable doubt to convict, otherwise the Court must acquit.

5. The STATEMENT OF FACTS paragraphs 1 and 3; and paragraphs 18-23; and other FACTS could not have been used in the Jury Trial scheduled for December 2, 2019, even if Defendant had not withdrawn his appeal, filed on November 12, 2019, because the statute/law of Virginia Code § 19.2-271.6 had not existed until 2021 after the General Assembly passed such bill into law and the Governor's approval by signing the legislation. With the law in effect, Defendant can now have a defense for when he takes the matter back to Trial or request for Judgment of Acquittal to save scarce judicial resources by FACTS of Innocence. A criminal case "defense" is considered actual innocence. Having a defense means that you did not break the law, and the legal defense shows that the law was not violated.
6. Now that the statute/law of Virginia Code § 19.2-271.6, had been codified as the law, it nullifies Virginia Supreme Court verdict of Stamper v. Commonwealth, 228 Va. 707 (1985). Due to that Virginia Supreme Court decision, Normally the Courts bar usage of mental disorders and mental disabilities as any defense of NO INTENT or helps prove innocence; cause of that case law authority in the year of 1985 prior to the new law in the year of 2021. However the passage of this new

LAW by the Legislature nullifies that case law, **nullifies Stamper v. Commonwealth, 228 Va. 707 (1985)** and modifies existing law to permit usage of Developmental disability, Intellectual disability, and mental illness as a legal defense to a criminal charge in regards to INTENT and that such evidence would be admissible when normally it would be barred by the Courts in Virginia. Therefore it is codified as LAW that mental disorders and mental illnesses be considered as part of the evidence, facts, and elements of a charged crime. Mental disorders can disprove one or multiple elements of a charged crime and thus a Defendant cannot be held culpable as previously held under previous law.

7. **THEREFORE, Defendant requests with the Circuit Court in this MOTION to modify and/or extend any existing or create new case law of Virginia Code § 19.2-271.6 with the nullification of Stamper v. Commonwealth, 228 Va. 707 (1985); to hold or find that Defendant Brian David Hill is entitled to a new criminal defense; and thus is either entitled to a New Trial or Judgment of Acquittal or Writ of Actual Innocence by establishing proof of his mental illnesses/disabilities/disorders and that those mental issues are material to the charge and thus prove that Defendant had no INTENT to violate any Virginia Law on the night of September 21, 2018. Defendant requests that the law in this Court must be extended or modified or newly created by the new law to extend to the criminal case of Brian David Hill, and to the wrongful conviction of Brian David Hill on November 18, 2019.**
8. Under the United States and Virginia Constitutions you must be guilty of every element of a crime to be convicted. The Government bears the burden of proving every element of your crime beyond a reasonable doubt. Like in the OJ Simpson Trial case for example, if the glove doesn't fit, the Jury must acquit.
9. Defendant Brian David Hill never plead guilty when he had filed a motion to withdraw appeal. He had a defense with proof of evidence backing such criminal

defense which had not existed (as it was inadmissible in 2019) in the year of 2019 but now existed after the year of 2021. The judge recognized that Brian David Hill never plead guilty, such notion was marked out of the record by permanent black marker pen ink. On the Judgment entered by Hon. Giles Carter Greer on November 18, 2019: he or his Law Clerk had stricken from the record any notion of such. Therefore, it is a fact that Defendant never plead guilty to this charge in any Court of Law.

10. The Virginia Code § 19.2-271.6 provides that a Defendant can file and assert evidence to support his defense now that he had “no intent” to commit any criminal act on September 21, 2018. The law says “and shall be admitted if such evidence (i) tends to show the defendant did **not have the intent required for the offense charged**” (citations omitted).
11. With the new evidence presented along with the STATEMENT OF FACTS paragraphs 1 through 10; paragraphs 18 through 23; on December 21, 2018, the General District Court erred in finding that the evidence before it was sufficient to find that Defendant violated Virginia Code § 18.2-387 because the evidence **failed to show that the Defendant acted intentionally** to make an obscene display or exposure of his person. That means the Circuit Court also erred in affirming the judgment of the General District Court on November 18, 2019.
12. That criminal law statute provides, in relevant part, that “[e]very person who **intentionally** makes an **obscene** display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor.” Va. Code § 18.2-387 (emphases added).
13. “The ‘obscenity’ element of Code § 18.2–387 may be satisfied when: (1) the accused admits to possessing such intent, *Moses v. Commonwealth*, 611 S.E.2d

607, 608 (Va. App. 2005)(*en banc*); (2) the defendant is visibly aroused, *Morales v. Commonwealth*, 525 S.E.2d 23, 24 (Va. App. 2000); (3) the defendant engages in masturbatory behavior, *Copeland v. Commonwealth*, 525 S.E.2d 9, 10 (Va. App. 2000); or (4) in other circumstances when the totality of the circumstances supports an inference that the accused had as his dominant purpose a prurient interest in sex, *Hart*, 441 S.E.2d at 707–08. The mere exposure of a naked body is not obscene. See *Price v. Commonwealth*, 201 S.E.2d 798, 800 (Va. 1974) (finding that “[a] portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene’.” *Romick v. Commonwealth*, No. 1580-12-4, 2013 WL 6094240, at \*2 (Va. Ct. App. Nov. 19, 2013)(unpublished)(internal citations reformatted)).

14. While the evidence may show that Defendant was naked in public at night, as stated in the original Criminal Complaint Affidavit filed on September 21, 2018 by Officer Robert Jones of Martinsville Police Department; nudity, without more, is not obscene under Virginia law. Rather, “[t]he word ‘obscene’ where it appears in this article shall mean that which, **considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex**, that is a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value.” Va. Code § 18.2-372 (emphasis added). While Virginia does not appear to have established a clean definition of criminal intent, *Black’s Law Dictionary* defines it as “[a]n intent to commit an actus reus without any justification, excuse, or other defense.”

15. In summary, in order to show that the Defendant committed the offense of indecent exposure under Virginia law, the Commonwealth was required to prove,

among other things, that the Defendant had the intent to display or expose himself in a way which has, as its dominant theme or purpose, appeal to the prurient interest in sex, as further defined above, without any justification, excuse, or other defense.<sup>1</sup> The Commonwealth failed to do so. Rather, the Commonwealth's evidence, presented through its own witnesses, showed the Defendant as someone who was running around naked between midnight and 3:00 a.m. and taking pictures of himself because he believed that someone was going to hurt his family if he did not do so. See **EXHIBIT 4**. See EXHIBIT PAGES INDEX PAGES 45-46.

16. The General District Court on the Trial of December 21, 2018 and the Circuit Court while pending a Trial De Novo did not hear of Virginia Code § 19.2-271.6; and any evidence admissible pursuant to Virginia Code § 19.2-271.6 (2021, law) could not be admissible at the time of General District Court on the Trial of December 21, 2018; and not to be at the time of the Jury Trial set for the date of December 2, 2019, in the Circuit Court for the City of Martinsville. Now new evidence can be heard and be admitted for the Jury Trial or Judgment of Acquittal or Writ of Actual Innocence by a rational trier of fact.
17. Had the passage of Virginia Code § 19.2-271.6 been prior to the Jury Trial set for December 2, 2019, the Defendant never would have filed a motion to withdraw appeal. The passage of Virginia Code § 19.2-271.6 gives the defendant a defense which had not been allowed previously at the time of both Trials in both the General District Court and the Circuit Court. The cause and passage of Virginia

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<sup>1</sup> For the reasons stated above, the government's burden was to prove every element of the offense, including the mens rea, beyond a reasonable doubt. However, even if, arguendo, this Court were to find that the government's burden was only a preponderance of the evidence, the government has still failed to carry its burden.

Code § 19.2-271.6 had caused the Defendant to want to pursue either a New Trial, Actual Innocence, or Judgment of Acquittal. Since evidence that Defendant could not be allowed to use in both Trials is now permissible to be used and is admissible. This gives the Defendant, a laser-focused legal defense which can be used to be found not-guilty by a jury. A laser-focused legal defense which was not afforded to him in 2019 due to the previous law or laws regarding admissibility of mental illness, mental disability, and mental disorders as evidence for his/her defense to a criminal charge.

18. The General District Court and the Circuit Court did not hear, however, any evidence of Defendant having his dominant theme, or purpose being an appeal to the prurient interest in sex. For example, there was no evidence of Defendant making any sexual remarks, being aroused, masturbating, or enjoying his conduct, sexually or otherwise. If a person was purposing to expose himself in public because he or she found it sexually arousing, it would be logical that he or she would pick a place and time where he or she would expect to encounter lots of members of the public. Defendant did not do that. Rather, he was running around between midnight and 3:00 a.m. and the witnesses to his nudity were few. Hence, the statements Defendant made to police and his conduct both indicate that, in the light most favorable to the Commonwealth, he was naked in public **while having a psychiatric episode or mental breakdown**, but **without the intent necessary to commit indecent exposure under Virginia law**. Therefore, the Circuit Court and General District Court erred, as a matter of law, when it found that Defendant had violated Virginia Code § 18.2-387. The conviction must be vacated as soon as possible.
19. There was only one Mental Evaluation ordered by the General District Court regarding the time of the alleged incident on September 21, 2018, and at the time it was only regarding Mental Insanity or Competency. That evaluation was

conducted for this case in the General District Court, before it was appealed as a Trial De Novo review. Despite it being only for “Competency to Stand Trial”, that evaluation is relevant and material to what had happened on September 21, 2018. For GC18-3138. Evaluation Report is sealed so I am referring to the entire SEALED EVALUATION CASE FILES. Anyways, that evaluation was not pursuant to Virginia Code § 19.2-271.6, but nevertheless that mental evaluation by Dr. Rebecca K. Lochrer, PhD, shall constitute material evidence in support of Defendant’s defense in his criminal case pursuant to Virginia Code § 19.2-271.6. Therefore Defendant did push for such mental evaluation, even though in 2018 it was only permitted to be an evaluation for competency and/or insanity. Some of the diagnoses are: “Autism Spectrum Disorder” and “Obsessive Compulsive Disorder”. Both of those are evidence pursuant to Virginia Code § 19.2-271.6, and prove that Defendant had such disorders at the time of the alleged incident as charged on September 21, 2018.

20. There was an issue of non-compliance with one element of the Court Order for a Mental Evaluation where Attorney Scott Albrecht of the Public Defender Office in 2018 was supposed to provide all mental health records known to him and medical records known to him to Dr. Rebecca K. Lochrer, PhD, for the mental evaluation. Scott Albrecht did not provide a documented diagnosis from forensic psychiatrist Dr. Conrad Daum in October 24, 2018, where he had diagnosed Defendant as having “Psychosis” referring to Psychosis Disorder and “Autistic Disorder” referring to Autism Spectrum Disorder. See **Exhibit 12** (EXHIBIT PAGES 140-146) for the diagnosis on October 24, 2018. That was omitted from her PSYCHOLOGICAL EVALUATION and never introduced to Dr. Rebecca K. Lochrer, PhD, so she was in the dark in regards to the psychosis diagnosis. She, the psychological evaluator for the criminal case did not know about that past diagnosis which means her report was premature, erroneous (by lack of all

knowledge of all mental reports) and incomplete due to lack of her access to all relevant and material mental health records that Attorney Scott Albrecht may have been aware of but failed to give her a copy of as asked by the Court. See **Exhibit 13** (EXHIBIT PAGES 147-152), for the information on Dr. Conrad Daum being a “American Board of Forensic Psychiatry Certification in Forensic Psychiatry”. So he is a certified forensic psychiatrist, which means his evaluations and expertise is admissible in Federal and/or State Courts. Also now admissible under Virginia Code § 19.2-271.6.

21. The evaluation referenced and cited in paragraphs 17 and 18, prove for a fact that Defendant Brian David Hill suffers from Autism Spectrum Disorder, Obsessive Compulsive disorder, and a psychosis around the time of the charge of Brian David Hill for the alleged claim that Brian David Hill committed indecent exposure and was charged with violating Virginia Code § 18.2-387.
22. It is a fact that Brian David Hill has Autism Spectrum Disorder and had this disorder/illness since he was a child. See **Exhibit 1** (EXHIBIT PAGES 1-3). **Exhibit 1** is the “DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION” with a Doctor’s medical certification in the year 2016 that Brian David Hill is permanently limited or impaired, because of his Autism Spectrum Disorder. See **Exhibit 10** (EXHIBIT PAGES 131-137). **Exhibit 10** is the “DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC AND RELATED COMMUNICATION HANDICAPPED CHILDREN, Department of Psychiatry, University of North Carolina, DIAGNOSTIC EVALUATION”. This proves to the Circuit Court of the City of Martinsville, that Brian David Hill’s claim of being autistic is not merely some new claim and is not some new claim to attempt to make Brian appear to be Autistic, but he is autistic for many years, for decades, well since he was four years old. He is Autistic and has always been Autistic since the age of 4 as documented by the **Exhibit 10** diagnostic report.

Brian David Hill establishes a STATEMENT OF FACT that Brian David Hill has been autistic since childhood, and thus this is a real disorder and he had this disorder in the 1990s even before 2018. This makes this FACT an undeniable FACT. Prima Facie evidence.

23. It is a fact that Brian David Hill has Autism Spectrum Disorder and had this disorder/illness in 2017 as well. See **Exhibit 11** (EXHIBIT PAGES 138-139), Letter from “Dr. Shyam E. Balakrishnan, MD”. The DMV record referenced in paragraph 20 and the letter both demonstrate the prima facie evidence that Brian David Hill has Autism Spectrum Disorder and Obsessive Compulsive Disorder.
24. There is an expert witness documented report (a whitepaper) from a Law Enforcement trainer regarding Autism Spectrum Disorder and interactions with Law Enforcement Officers. That would include interactions with people like for example: Commonwealth witness and Police Officer Robert R. Jones, who interacted with Brian David Hill on September 21, 2018, who Brian David Hill had Autism Spectrum Disorder. I submit to the Circuit Court of the City of Martinsville, a relevant and material whitepaper and expert witness testimony, 3-page report from Dennis Debbaudt. The Commonwealth of Virginia and the Circuit Court may contact this expert witness and subpoena him or depose him, expert named Dennis Debbaudt, at the address of 2338 SE Holland Street, Port St. Lucie, Florida 34953. His email is [DDPI@flash.net](mailto:DDPI@flash.net). Phone: (772) 398-9756. The expert witness report applies to Brian David Hill on the situation with his interactions with Officer Robert Jones, the charging Officer on September 21, 2018. The report is titled: “Interview and Interrogation of people with autism (including Asperger syndrome)” This shall be a STATEMENT OF FACT regarding any oral or written statements obtained from Brian David Hill by Officer Robert Jones can be part of his Autism Spectrum Disorder. Brian David Hill warned Officer Robert Jones that he had Autism and can give misleading

statements when questioned. The officer refused to take heed of Brian's advice of his mental disability, of his communications issues, and totally treated it as if it weren't true, despite the medical records proving that Brian had Autism and has Autism. Brian didn't lie to the officer. Officer Jones did not take any of Brian's statements about Autism into account or consideration when charging the Defendant. See **Exhibit 14** (EXHIBIT PAGES 153-164).

25. According to **Exhibit 14** (EXHIBIT PAGES 153-164), a Federal Court Declaration Brian David Hill had filed notifying the U.S. District Court about the incident and his charge which had occurred on September 21, 2018. It is titled: "STATUS REPORT OF PETITIONER SEPTEMBER 27, 2018". Six (6) days after his arrest and charge. The reason it was filed on the date of October 17, 2018, was because Defendant had mailed the legal pleading to the wrong address: "324 West Market Street," "Martinsville, Virginia 24112". The mailing got returned to him (RETURN TO SENDER) for no such address and Brian David Hill later realized that he mailed the wrong city and State, and mailed it to the correct address of the Federal Courthouse at 324 West Market Street, Greensboro, North Carolina 27401. The **Exhibit 14** document is his statements about what he personally believed had happened on September 21, 2018, and what led up to it. He even said he thought he was "drugged" and yet the Commonwealth of Virginia never mandated any drug test DESPITE Defendant's claims of being "drugged", and it is their fault, it is the fault of Martinsville Police Department and Martinsville City Jail for not drug testing him when he is making statements in Federal Court, in writing, claiming that he thought he was drugged. Those written statements can be proven. I bet Defendant also told his attorney and/or the Officer and Brian's family during visitation that Defendant thought he was drugged and had blackouts. The Commonwealth never requested any drug test or Carboxyhemoglobin test because they were afraid that it would prove Brian Hill's

statements to be true, referring to any statements he made to Officer Robert Jones when being questioned about why he was naked.

26. This STATEMENT OF FACT shall present evidence that Defendant was deprived of Brady evidence material from the Commonwealth of Virginia in violation of multiple Court Orders, in violation of his Constitutional rights pursuant to Brady v. Maryland, 373 U.S. 83 (1963). Not just deprived of evidence, but evidence was destroyed by the Commonwealth of Virginia. Evidence such as: (#1) body-camera footage recorded by Officer Robert Jones and body-camera footage of any other police officers involved on September 21, 2018, regarding the arrest and interview/interrogation of Brian David Hill on September 21, 2018. Evidence such as: (#2) Blood vials drawn from Brian David Hill's arm at the Hospital after police detained Brian David Hill and handcuffed him and taken him to the Hospital. Technically Defendant was in Law Enforcement custody, in the custody of Martinsville Police Department after he was detained, and was at the Hospital with the officers present with defendant handcuffed. They were responsible for collection of any evidence and preservation of any evidence including biological evidence, concerning a pending criminal case matter before a Court. Biological evidence including blood samples and blood drawn from Defendant after being detained at a creek and had been taken to the Hospital by Martinsville Police and being driven there in an ambulance but still was under police custody. Blood vials were destroyed and laboratory tests which were supposed to be conducted including any drug or alcohol tests were then cancelled and blood vials destroyed. Martinsville Police Department was represented by the Commonwealth of Virginia, and Martinsville Police Department had committed two acts of spoliation of evidence. Therefore, the Commonwealth of Virginia destroyed evidence in violation of Court Orders and therefore, have violated multiple Court Orders which is CONTEMPT OF COURT, multiple times. Not

only has the Commonwealth of Virginia through its counsel Glen Andrew Hall, Esquire, committed the offenses of CONTEMPT OF COURT by omission of the body-camera footage and the blood vials drawn from Brian's arm, but had destroyed evidence and the Circuit Court should sanction Glen Andrew Hall, Esquire for destruction of biological evidence and destruction of video footage by a police body-camera recorded on September 21, 2018 of Brian David Hill.

The Circuit Court should punish Glen Andrew Hall and Martinsville Police department for violating one or multiple Court Orders.

See inherit or implied power and authority of all Courts under *Chambers v. Nasco, Inc.* (90-256), 501 U.S. 32 (1991); *Hazel-Atlas Glass Co. v Hartford-Empire Co.*, 322 U.S. 238 (1944).

Spoliation of Evidence is considered a FACT, and can be part of the STATEMENT OF FACTS because any spoliation of evidence by the Plaintiff/Prosecutor of a criminal or civil case means that his/her case was a weak or unfounded one from the very beginning no matter what alleged facts are filed of his/her cause.

For purposes of this Motion, "destruction of evidence" means rendering discoverable matter permanently unavailable to the court and the opposing party. Such a broad definition is necessary because of the great many contexts in which courts and commentators have considered destruction of evidence. It has two components: destruction and evidence.

See 2 J. WIGMORE (John Henry Wigmore), *EVIDENCES* § 278, at 133 James Harmon Chadborn ed., Little, Brown 1979) (1940) (emphasis added). See Federal Rules of Evidence 401.; 32 C.J.S. Evidence § 535 (2008); Evidence—Admissibility of

Attempts by a Party to Suppress Evidence, 9 TEX. L. REV. 79, 100 (1930) (stating that it has “long been recognized” that a party’s misconduct in manipulating evidence is admissible as indicating a “consciousness of the weakness of his case,” and citing cases from the 1800s that applied the inference to the fabrication, suppression, or destruction of evidence).

See *United Medical Supply Company, Inc. v. U.S.*, No. 03-289C, 8 (Fed. Cl. Jun. 27, 2007) (“Spoliation is the destruction or significant alteration of evidence, or failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation.” *West v. Goodyear Tire Rubber Co.*, 167 F.3d 776, 779 (2d Cir. 1999) (citing *Black's Law Dictionary* 1401 (6th ed. 1990)); see also *Allstate Ins. Co. v. Hamilton Beach/Proctor Silex, Inc.*, 473 F.3d 450, 457 (2d Cir. 2007). It has long been the rule that spoliators should not benefit from their wrongdoing, as illustrated by “that favourite maxim of the law, *omnia presumuntur contra spoliatores*,” 1 Sir T. Willes Chitty, et al., *Smith's Leading Cases*, 404 (13th ed. 1929). Spoliation may result in a variety of sanctions, with “the oldest and most venerable remedy” being an “adverse inference,” under which the finder of fact may infer that the destroyed evidence would have been favorable to the opposing side. Jonathan Judge, “Reconsidering Spoliation: Common-Sense Alternatives to the Spoliation Tort,” 2001 Wis. L.Rev. 441, 444 (2001); see also Jamie S. Gorelick, Stephen Marzen Lawrence Solum, *Destruction of Evidence* § 1.3 (1989) (hereinafter “Gorelick”).”)

If you catch the other side engaged in falsification including destruction of evidence, you can use that to argue that the other side's entire position lacks merit. And even more fundamentally, judges and juries do not like being tricked. If a judge or jury agrees that your opponent has engaged in falsification—even falsification relating only to one of several issues in the case—it will hold this quite strongly against your opponent and will come to doubt the validity of everything your opponent says and claims.

See 501 U.S. at 56–57; see also *Synanon Found., Inc. v. Bernstein*, 517 A.2d 28, 43 (D.C. 1986) (once a party embarks on a “pattern of fraud,” and “[r]egardless of the relevance of these [fraudulent] materials to the substantive legal issue in the case,” this is enough to “completely taint [the party’s] entire litigation strategy from the date on which the abuse actually began”).

See Some examples are: *Breezevale Ltd. v. Dickinson*, 879 A.2d 957, 964 (D.C. 2005) (**affirming sanction of dismissal where top executives of plaintiff company engaged in scheme to forge documents and subsequently denied the forgery in pleadings and sworn testimony**); *Synanon Found., Inc. v. Bernstein*, 503 A.2d 1254, 1263 (D.C. 1986) (**affirming sanction of dismissal where plaintiff, inter alia, destroyed audiotapes and made false statements to the court “that no responsive documents could be found” in order “to deceive the court, and to improperly influence the court in its decision on the defendants’ motions to compel, with the ultimate aim of preventing the judicial process from operating in an impartial fashion”**); *Cox v.*

Burke, 706 So. 2d 43 (Fla. Dist. Ct. App. 1998) (affirming sanction of dismissal where plaintiff gave false answers to interrogatories and deceptive deposition testimony); Pope v. Fed. Express Corp., 974 F.2d 982, 984 (8th Cir. 1992) (affirming sanction of dismissal for plaintiff's forgery of, and reliance on, a single document); Aoude v. Mobil Oil Corp., 892 F.2d 1115 (1st Cir. 1989) (affirming dismissal where plaintiff concocted a single document); Tramel v. Bass, 672 So. 2d 78, 82 (Fla. Dist. Ct. App. 1996) (**affirming default judgment against defendant who excised damaging six-second portion of videotape** before producing it during discovery).

**FACTS AND ISSUES WARRANTING JUDGMENT OF ACQUITTAL AND/OR  
SANCTIONS AGAINST GLEN ANDREW HALL, ESQUIRE, AND AGAINST  
THE COMMONWEALTH OF VIRGINIA**

1. The General District Court of Martinsville had entered an Order on the date of November 28, 2018. See **EXHIBIT 5** (EXHIBIT PAGES 112-114) to this filing. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of the body-camera footage recorded on September 21, 2018. Blood vials are biological human evidence, so it is considered Brady discovery materials and are relevant and material to September 21, 2018, and this such spoliation also violates this Court Order.

2. This Circuit Court for the City of Martinsville and the General District Court of the City of Martinsville did not know that the Commonwealth of Virginia and the City of Martinsville, through its legal counsel named Glen Andrew Hall, Esquire, had not followed the Court Orders of November 28, 2018; February 6, 2019; and July 15, 2019. That he did not comply with those Court Orders and flagrantly violated those Court Orders without giving a good reason to justify such action(s).
3. The Circuit Court for the City of Martinsville had entered an Order on the date of February 6, 2019. See **EXHIBIT 6** to this filing (EXHIBIT PAGES 115-118). Order for discovery materials. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of the body-camera footage recorded on September 21, 2018. Blood vials are biological human evidence, so it is considered Brady discovery materials and are relevant and material to September 21, 2018, and this such spoliation also violates this Court Order.
4. The Circuit Court for the City of Martinsville had entered an Order on the date of July 15, 2019. See **EXHIBIT 7** to this filing (EXHIBIT PAGES 119-122). Order for discovery materials. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of the body-camera footage recorded on September 21, 2018. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of blood vials, aka biological evidence obtained from Brian David Hill while at Sovah Hospital on September 21, 2018, while in the custody of Martinsville Police department before being charged with indecent exposure. Blood vials are biological human evidence, so it is considered Brady discovery materials and are relevant and material to September 21, 2018, and this such spoliation also violates this Court Order.

5. Evidence in the Court record attached thereto had proven that the Defendant had repeatedly asked for the police body-camera footage and made statements under Affidavit in the Federal Court and had sent written letters to Martinsville Police Department. All of those letters asked for the Police body-camera footage as was supposed to be to comply with the General District Court's order dated November 28, 2018. See **EXHIBITS 2 (EXHIBIT PAGES 4-27) AND 3 (EXHIBIT PAGES 28-29).**
6. Scott Albrecht was too afraid to push for a contempt proceeding against Glen Andrew Hall, Esquire, for failing and refusing to turn over a copy of the Martinsville Police body-camera footage which is relevant non-subjective evidence dated September 21, 2018, and refused or failed to allow inspection or copying of this relevant non-subjective evidence to defense attorney Scott Albrecht. Defendant kept asking for this body-camera footage over and over again. His requests went unanswered and then the body-camera footage was later destroyed as Defendant found out from Attorney Matthew Clark that Martinsville Police Department had a body-camera footage evidence retention period before destroying the evidence. It doesn't matter about the evidence retention period, because the Court Order demanded that this Brady material be turned over to the Defendant and his counsel to have it inspected and make copies for the purpose of legal defense to the criminal prosecution's charge.
7. The Martinsville Police Department who originally had filed the complaint in this case, is and was represented by Glen Andrew Hall, Esquire, and the Martinsville Police Department is the client of the Commonwealth Attorney Glen Andrew Hall, Esquire. As the client, the client as well as its representative legal counsel has to comply with whatever Court Orders are entered at the direct of this Court. Defendant was charged

with Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. When a criminal charge or any litigation is pending, evidence is supposed to be retained and safeguarded until the litigation is concluded and all appeal or appeals exhausted.

8. Martinsville Police Department did retain the body-camera footage at the beginning of when it was recorded as was outlined in a public news article printout titled: “Body Cameras Proving Useful for Martinsville Police | WSET”. See **EXHIBIT 2** (EXHIBIT PAGES 4-27) AND **EXHIBIT 8** (EXHIBIT PAGES 123-126).
9. While the General District court can argue that they transferred the case to the Circuit Court of Martinsville. This order originally came from the General District Court of the city of Martinsville. The Circuit Court may or may not hold the legal counsel in contempt for violating a General District Court order. However Glen Andrew Hall, Esquire, did violate that General District Court Order and two Circuit Court Orders with all intents and purposes described in this Motion and its attachments/Exhibits herein. This Court still has the power from its inherit powers to push for a contempt charge or contempt proceeding against Glen Andrew Hall for not complying with the Court Order in **EXHIBIT 5** (EXHIBIT PAGES 112-114) and the other two Court Orders as exhibited herein in Exhibits 5, 6, and 7.
10. Since it was up to Attorney Scott Albrecht entirely to ensure the proper following of the Orders of this Court, Scott Albrecht should also be considered as an accomplice of the contempt behavior of the Commonwealth Attorney Glen Andrew Hall, Esquire, since he allowed such blatant violation of the General District Court’s (“GDC’s”) and this Court's Order for discovery.

Citation of Court Order (COPY OF COURT ORDER, **EXHIBIT 5, EXHIBIT PAGES**  
**112-114**):

It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;

(2) [citation omitted]

(3) Any exculpatory information or evidence as set forth by Brady v. Maryland and its progeny that is known to the Commonwealth.

[Citations reformatted above. May have minor spelling issues as it was copied and pasted]

Citation of Court Order (COPY OF COURT ORDER, **EXHIBIT 6, EXHIBIT PAGES**  
**115-118**):

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to

Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the

Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the

attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to

the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the

Defendant to inspect and copy or photograph, within a reasonable time, before the trial or

sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the

Defendant, or copies thereof, or the substance of any oral statements or confessions made by the

Defendant to any law enforcement officer, the existence of which is known to the attorney for the

Commonwealth, any certificates of analysis pursuant to § 19.2-187, and any relevant written

reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and,

breath tests, other scientific reports, and written reports of a physical or mental examination of

the Defendant or the alleged victim made in connection with this particular case, or copies

thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by

Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements,

real evidence, scientific analysis, or reports, known to or in the possession of the

Commonwealth

[Citations reformatted above. May have minor spelling issues as it was copied and pasted]

Citation of Court Order (COPY OF COURT ORDER, **EXHIBIT 7, EXHIBIT PAGES**  
**119-122**):

Came this day, the Defendant, Brian David Hill, by counsel,  
who moved, pursuant to

Rule 3A:11 of the Rules of Court, that the Commonwealth's  
Attorney be directed to permit the

Defendant discovery in this case, as set forth in the said Rule,  
and upon the motion of the

attorney of the Commonwealth requesting reciprocal discovery  
under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule  
3A:11(b) should be granted to

the Defendant, it is hereby ORDERED that the Commonwealth's  
Attorney permit counsel for the

Defendant to inspect and copy or photograph, within a  
reasonable time, before the trial or

sentencing, the following:

(1) Any relevant written or recorded statements or confessions  
made by the

Defendant, or copies thereof, or the substance of any oral  
statements or confessions made by the

Defendant to any law enforcement officer, the existence of  
which is known to the attorney for the

Commonwealth, any certificates of analysis pursuant to § 19.2-  
187, and any relevant written

reports of autopsies, ballistic tests, fingerprint analyses,  
handwriting analyses, blood, urine, and

breath tests, other scientific reports, and written reports of a  
physical or mental examination of

the Defendant or the alleged victim made in connection with this  
particular case, or copies

thereof, that are known by the Commonwealth's Attorney to be  
within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by

Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements,

real evidence, scientific analysis, or reports, known to or in the possession of the

Commonwealth

[Citations reformatted above. May have minor spelling issues as it was copied and pasted]

11. That order and possibly the other two Court Orders from the Circuit Court said: “Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth”. They did know about it because any letters mailed to the Chief of Police or the Commonwealth Attorney are known to the Commonwealth Attorney. This was likely during the evidence retention period still in effect at that time for the Police body-camera footage. However the evidence retention period should not matter during a pending criminal litigation. Whether it be a civil litigation hold letter request or a criminal case proceeding, destruction of any evidence which is relevant and directly relevant or material to the prosecution of the case and to the defense of that said criminal prosecution is in direct violation of that Court Order or Court Courts. The multiple letters mailed by Brian David Hill on a pro se basis to the Martinsville Police Department and the letter mailed by Kenneth Ray Forinash and/or Stella Forinash who had mailed a typed copy of that same letter Brian had mailed multiple times to the Martinsville Police Department requesting that body-camera footage as it was supposed to have been turned over pursuant to the Court Order received by Glen Andrew Hall, Esquire, and ordered of Glen Andrew Hall, Esquire, an officer of the Court. Licensed to practice law in that Court,

licensed to practice law in the Commonwealth of Virginia. They knew as multiple letters were mailed, the Court had ordered such evidence to be turned over pursuant to Brady v. Maryland and Virginia Court Rules.

12. See the one Court Order from the General District Court (**Exhibit 5**) (EXHIBIT PAGES 112-114) and the two Court Orders from the Circuit Court requesting Discovery materials from the Commonwealth of Virginia (**Exhibit 6 (EXHIBIT PAGES 115-118), Exhibit 7 (EXHIBIT PAGES 119-122)**) which the Martinsville Police Department did not comply and thus legal counsel Glen Andrew Hall, Esquire for the Commonwealth of Virginia did not comply with all three of the Court Orders.
13. It is clear that the evidence being destroyed is a blatant non-compliance with the General District Court order dated November 28, 2018 and the Circuit Court orders dated February 6, 2019, and July 15, 2019. Refusing to comply with a Court Order when ordered to do such a thing, whatever the Order says, is usually considered “Contempt of Court” when somebody refuses to comply with such an order. It is also considered defrauding the Court when the destruction of such evidence led to the Guilty verdict against Brian David Hill. Had the evidence not been destroyed, Brian would have had a good chance at winning as evidence inside of the body-camera footage could have been used to point out various things favorable to Brian David Hill's legal innocence to his charge of Indecent Exposure under Virginia Code § 18.2-387. Legal defense to the charge, Legal Innocence, referring to the same matter.
14. All Courts and Judges have the exclusive Constitutional inherent and implied powers to enforce their Court Orders and handle their own affairs. Courts also have the right to overturn a case fueled by FRAUD. Courts also consider destruction of evidence to be defrauding the Court as it had deceived the Court since the Court is a fact finding venue,

a quest to find out the truth on whether a person actually committed a crime or not, a fact finding Judicial branch of Government. If evidence is destroyed, then they cannot have the integrity to conduct proper fact finding in a criminal or civil case. It distorts and tears at the Judicial Machinery. When a Court Orders evidence to be turned over to another party and instead that evidence is destroyed without a good reason, evidence they were supposed to have and turn over or allow a copy to be made or whatever the case may be, then this leads to the Court having no legal power to do anything. This deteriorates justice to the extent where nobody respects the Court and nobody is respecting its authority and not respect its officers when there is no punishment or sanction against a rebellious non-complying officer rebelling against a lawful order of the Court. An officer of the Court is under higher standards than pro se filers because they swore an oath, that they will conduct their lawful duties and follow the laws including rules of the Court as well as the Bar rules of Professional Conduct for licensed attorneys. They have ethical duties as required by the State Bar. They have a higher standard of care regarding their conduct.

15. The City of Martinsville and its Martinsville Police department had destroyed the body-camera footage which is technically termed as: Spoliation. Spoliation is defined as the destruction or a significant or meaningful alteration of evidence.
16. The legal remedy for spoliation is sanctions against the spoliator which may range from exclusion of evidence up to dismissal of a case, or acquittal of the Defendant or a favorable decision of the victim party who is a victim from such spoliation of evidence. In determining the appropriate sanction, the trial court is required to consider:
  1. Whether the opposing party suffers prejudice as a result of the destruction of evidence;

2. Whether the prejudice can be cured;
3. The practical importance of the evidence;
4. Whether the spoliator acted in good or bad faith; and
5. The potential for abuse if the evidence was not excluded.

17. As to the first element: The opposing party Defendant Brian David Hill would suffer prejudice because the Court specifically ordered “Any relevant written or recorded statements or confessions made by the Defendant”. The Court demanded this specific evidence from the Commonwealth Attorney regarding the law enforcement officer involved with the Defendant, and they did not comply, they did not comply at all. So this satisfies the first ground. Because the evidence is destroyed and irretrievable, certain specific things in the body-camera footage can never be used to prove Brian David Hill innocent of his charge of indecent exposure. Proof such as discolored lips of suspect: Brian David Hill which would have warranted that Brian David Hill was under some kind of substance, narcotic, or gas that had affected the mental and physical well being of Brian David Hill. The body-camera footage would have contradicted the Affidavit of Sergeant Robert Jones in his original CRIMINAL COMPLAINT with his claim by the affiant that Brian was psychologically and medically cleared. The footage may also have shown Brian's behavior acting a weird or certain abnormal way under certain conditions where a behavioral or psychological expert can disagree with Brian being psychologically and medically cleared which threatens and contradicts the successful prosecution and conviction of Brian David Hill had any expert in mental behavior saw the body-camera footage. They would disagree and would feel that something was wrong with Brian but that would destroy the prosecution's narrative against the Defendant. The body-camera footage would have shown the discolored lips and one such cause of

discolored lips would be that of “CARBON MONOXIDE POISONING”. It would not be strange that the Defendant who only at one time was caught naked at night on a walking trail may be the victim or subject of CARBON MONOXIDE GAS POISONING. Even Scott Albrecht did not know about this at the time because nobody knew until 2019. It was too late to use that evidence after the General District Court of December 21, 2018, however the Police body-camera footage would have shown the discolored lips and maybe it would have shown other weird abnormal behaviors of Defendant Brian which would correlate it with symptoms of CARBON MONOXIDE POISONING. The body-camera footage is non-subjective evidence. The mouth and face would have been visible. If the Commonwealth Attorney had known or suspected that Brian was under a narcotic, substance, or gas at the time of his indecent exposure, then this adds credibility to his claims of a man wearing a hoodie threatening Brian to get naked, as drugs could play a role if somebody could have drugged Brian up to make him non-coherent. Coherent means logical and consistent. When drugged up by anybody at night where crime can be more prevalent because of the limited law enforcement presence at night, anybody could have drugged Brian David Hill with a narcotic or substance or gas. That would explain greatly why Brian behaved oddly, never engaged in indecent exposure prior to the alleged charge, and then does so under weird circumstances. This is not a normal indecent exposure case given Brian's written statements, saying that he think he was drugged and told his family that he blackouts in 2018 prior to receiving the knowledge in 2019 that gas was leaking from the fireplace in his Apartment for months and months, who knows how long the gas had been leaking into Brian's Apartment. The body-camera footage would have further proven Brian's claims of being drugged or subject to CARBON MONOXIDE POISONING. Under a weird odorless substance like that, worse than a narcotic and can cause any irrational behaviors not normally exhibited. Can even cause memory loss. Even the Martinsville Fire Department could have been subpoenaed to testify at the General district Court and could have been Court Ordered to examine

Brian's Apartment located at 310 Forest Street, Apartment 2, Martinsville, Virginia in 2018 and they would have found overwhelming evidence of CARBON MONOXIDE GAS POISONING at the very residence Brian David Hill was living in prior to his indecent exposure incident. The body-camera footage would have led to an investigation by the Fire Department or mandated to drug test Brian Hill and test his blood, saliva, and urine for any signs of narcotics or substances. If they had found the evidence of CARBON MONOXIDE POISONING or any injected drugs in Brian's system, then the Defendant did not intentionally engage in any behavior which could have been considered as violating Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. The destruction of the evidence means that it cannot be cured, as the evidence which would have proven Defendant innocent of his charge off the bat, it is gone forever and at the fault of Martinsville Police Department. This explanation also justifies "The practical importance of the evidence". It was clearly covered up on purpose to prevent the Court from ever learning the truth about Brian's intentions regarding what had happened on the night of September 21, 2018 on the Dick and Willie walking trail. This is a FRAUD ON THE COURT and Glen Andrew Hall knew that he had deceived the Court by permitting the destruction of evidence which contradicts the Court Order he was supposed to follow. He did not comply with the Court. That is CONTEMPT OF COURT. The last factor is "The potential for abuse if the evidence was not excluded." There is a way this cannot be abused, because a copy can be made of any original video recording or audio recording. All lawyers nowadays have access to a computer, whether Desktop or Laptop. They can easily make a copy of a video recording which was recorded by law enforcement. The Commonwealth Attorney could have easily added stipulations to protect the privacy of Brian David Hill and yet allow the legal counsel to inspect the footage or even allow expert witnesses to review over the body-camera footage including the GDC Court Ordered psychological evaluation and make a determination how it may come to his defense. If carbon monoxide caused temporary

insanity then the Court can easily order this to be turned over to a Mental Hospital with the Carbon Monoxide evidence and then they would have released the Defendant once they have documented that the Carbon Monoxide is out of Brian's system and thus Brian cannot repeat the conduct because sanity would be restored after the Carbon Monoxide Poisoning had left his system and verify that his home had corrected the issue concerning the Carbon Monoxide. There is one concern that the body-camera footage is usually disclosed in the media and the defense counsel can easily ask that it not be kept confidential under strict confidentiality so that it cannot be given to any media as a stipulation to protect Brian David Hill's privacy in the case. The stipulations could have easily been asked of the Court and the Commonwealth Attorney had failed to do so. So this is not a matter of whether it could have been abused or not, they could have reasonably asked the Court for stipulations to protect this evidence from being abused, no trouble at all. The Commonwealth did not want this footage to ever come out in a Court of Law. This is known as a “cover up”.

18. Evidence is usually covered up for a nefarious purpose. Innocent men do not cover their tracks. The Police had covered up evidence. Defendant voluntarily gave them permission to look at his camera, Brian David Hill covered up no evidence at all even at the risk of forfeiting his right to remain silent under Miranda rights. However, the Commonwealth Attorney covered up plenty of evidence, even more than the body-camera footage. The fourth ground of “Whether the spoliator acted in good or bad faith” and it is obvious that Glen Andrew Hall had acted in bad faith. It is clear that this spoliated/destroyed evidence could have been used to help clear Brian Hill's name from this horrible charge. They never explained why the body-camera footage should have been destroyed, the Court had ordered that the evidence be turned over and this action violates that Court Order, it is a contemptible offense. It isn't just potential evidence that was destroyed that may have

fallen through the cracks of the discovery order, the very evidence was DESCRIBED in the DISCOVERY ORDER. The order described the body-camera footage and the evidence matches the description given by the Court Order. It is not a good idea for an officer of the Court to defy a Court order. In fact he defied two Court Orders in the Circuit Court after the case was appealed. So he defied three Court Orders by refusing to turn over that evidence to inspection by the defense counsel and then destroyed the body-camera footage. All elements are met.

19. The case is getting so old, it has been dragged out because the Commonwealth Attorney Glen Andrew Hall had put up such a valiant resistance against Brian David Hill every step of the way, and he is one of the worst attorneys Brian had ever been prosecuted by besides Assistant U.S. Attorney Anand Prakash Ramaswamy who also destroyed evidence in his Federal Case. This attorney does not want Brian to have any relief or remedy. Many attorneys including private attorneys are scared of Glen Andrew Hall because of how dirty he conducts his business. Brian David Hill had met with 3 or 4 private attorneys in 2019 for free consultation (as Brian could have had his family operate an online legal fund to help get him a better lawyer) and all of them seem reluctant to fight to prove Brian's innocence without even examining the entire case. Pretty much all of them said they rather Brian withdraw his appeal without even looking at all of the records, without determining the witnesses and evidence. Even Attorney McPheeters was afraid as well. They acted like they were afraid to take on this attorney and tried to find excuses not to fight against him, like there is something going on behind the scenes, some fear that they do not want to cross this horrible lawyer. The attorneys were just afraid to fight against this Commonwealth Attorney. This made things more difficult for Brian David Hill to seek any justice. Nobody wants to push for a contempt proceeding against Glen Andrew Hall despite Brian's repeated requests over and over

again in January and/or February 2019 for the body-camera footage. Brian kept asking for it over and over again, yet nothing ever panned out.

20. There was also a situation where the Martinsville Police were with Brian at Sovah Hospital in Martinsville, Virginia on September 21, 2018 while Brian had suffered multiple high resting blood pulse readings over the level of 100 which are normally a sign of a serious heart issue or health concern. Sinus Tachycardia. Brian had blood drawn and multiple vials of his blood. Those blood vials disappeared after Brian was arrested while Brian assumed that the lab-work was conducted and Brian told Scott Albrecht about the blood vials when he was interviewed about his side of the story, that Brian Hill felt he was drugged with a narcotic or substance. However, Scott Albrecht refused to investigate the laboratory tests. By the time in 2019 that Brian was out of Jail and attempted to get access to his medical records from that night, there was no laboratory results and the blood vials aka biological evidence was destroyed without a valid explanation. Another cover up of good evidence. This evidence was also EXCULPATORY because it was drawn out of Brian at the Hospital after he was found naked at the Dick and Willie walking trail at night, after Brian was handcuffed, he was taken by ambulance to the Hospital with the Police with him. Officer Robert Jones was with Brian the entire time he was in a Hospital bed, when the blood vials were drawn. He even admitted under Oath in Federal Court on September 12, 2019, that he also assumed that the laboratory tests were done and said that they would normally be done but he never got access to Brian's medical records. Little did he know that the laboratory work ordered as COVERED UP, deleted from the chart without explanation? He lied and claimed that Brian was psychologically and medically cleared. He didn't even read Brian's medical records as admitted in Federal Court Transcript under **Exhibit 4**. He was asked by a Federal licensed Attorney Renorda Pryor if Officer Robert Jones knew that

Brian was diabetic, he said “no”. He was asked Officer Robert Jones if he knew that Brian had Obsessive Compulsive Disorder (OCD) and the officer seemed clueless. The officer was either part of the cover up or he was misled and the vials were destroyed. Either way, Officer Robert Jones screwed up charging Brian quickly but yet the Commonwealth Attorney did not even attempt to find or demand retention of these blood vials. In fact he rather they be destroyed as it may make things complicated for the simple indecent exposure misdemeanor charge. He rather Brian just be found guilty and keep fighting Brian for the rest of his life if Brian kept resisting through the Legal System. That way Glen Andrew Hall can take part in compelling Brian David Hill to pay legal fees out of his judgment proof SSI disability money, to commit an unlawful act of demanding federally protected money which is extortion and racketeering through the legal system, his little racketeering operation where he can charge Brian tens of thousands of dollars in legal fees the longer he fights this, he can keep punishing Brian over and over again until he is pushed into suicide then they can take his SSI money like a good RICO-statute violating criminal cartel or criminal enterprise corrupt racketeering scheme or something. It seems like this is like a racketeering operation through the criminal justice system and he can make as much money as he wants while destroying any evidence favorable to the defendants he persecutes. He knows a majority cannot afford good lawyers and they are screwed. It isn't constitutional to financially put somebody in debt over simply fighting for their Constitutional rights, it impedes a poor person's right to fight for Constitutional rights under the Due Process Clause.

21. It is quite clear that with the destruction of both the body-camera footage and the biological evidence both at the allowance of the Corrupt Commonwealth Attorney Glen Andrew Hall, that he will never present a fair and just prosecution. He had destroyed any and all evidence favorable to the ACTUAL INNOCENCE of Brian David Hill to the

charge of Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. Mr. Hall did this knowingly and intelligently.

22. It is quite clear that the General District Court or the Circuit Court should move to sanction Glen Andrew Hall, Esquire for contempt of court, as well as Scott Albrecht for refusing to enforce that Court Order and Scott Albrecht seemed like he didn't fight for retrieving the body-camera footage in writing and then inform the Court of such non-compliance with the Court Order. Scott Albrecht had colluded with the Commonwealth Attorney in not enforcing the Court Order and allowed the evidence to be destroyed on purpose. Both of them are guilty of allowing evidence to be destroyed that would benefit the Defendant in proving his innocence. Anything Brian writes on a pro se basis and mailed to the Police Department and/or the Commonwealth Attorney is usually forwarded to his court appointed attorney. Scott Albrecht knew that the Court Order was being violated, over and over again with Brian's multiple letters. Scott Albrecht knew that there was the existence of the body-camera footage and purposefully let the Commonwealth of Virginia destroy this footage knowing that it may have repercussions on both parties but the discolored lips is favorable to Brian David Hill. It would have proven that the Hospital had neglected to find out why Brian David Hill was not medically cleared and something was wrong with his mind and body at the time. Defendant and his entire family believes with enough cumulative evidence that it was prolonged exposure to CARBON MONOXIDE GAS POISONING in Brian's apartment in 2018. Pete Compton is a witness to that, which is at least one expert witness and one reasonable doubt necessary to have found Brian not guilty of his charge. Gas or drugs can do funny things to people's brains. As Brian is NOT a drug user, never has been, anybody could have given Brian a drug while out there at night on the Dick and Willie trail, even the road areas he took to walk there at night without letting his mother know, anybody

could have offered a drug or drugged him and made him have the very issues which led up to his arrest but not make him culpable to the charge as he was not responsible for what had happened. Carbon monoxide poisoning is a very serious mind twisting odorless gas and can make somebody do erratic or crazy things very easily. CO gas can make somebody hallucinate and have a psychosis.

### **EXHIBITS LIST**

<b>EXHIBIT #</b>	<b>PAGE #</b>	<b>DESCRIPTION</b>
EXHIBIT 1	1-3	DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION
EXHIBIT 2	4-27	Copy of pro se motion for discovery with proof that Police Chief G. E. Cassady was mailed letters requesting police body-camera footage
EXHIBIT 3	28-29	One page excerpt of Document #163, Filed 12/12/18, Page 4 of 6, one page of Federal Court Affidavit/Declaration or written filing, Document #163. Case #1:13-cr-435-1.
EXHIBIT 4	30-111	FEDERAL COURT TRANSCRIPT of Supervised Release Violating hearing regarding the criminal charge of September 21, 2018, in General District Court. Officer Robert Jones of Martinsville Police Department had testified and thus is relevant to this MOTION.
EXHIBIT 5	112-114	COURT ORDER – GENERAL DISTRICT COURT

EXHIBIT 6	115-118	COURT ORDER – CIRCUIT COURT
EXHIBIT 7	119-122	COURT ORDER – CIRCUIT COURT
EXHIBIT 8	123-126	Article: Body Cameras Proving Useful for Martinsville Police; Wednesday, May 1st 2013; WSET/ABC13 NEWS
EXHIBIT 9	127-130	Interview and Interrogation of people with autism (including Asperger syndrome) By Dennis Debbaudt - EXPERT WITNESS
EXHIBIT 10	131-137	“DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC AND RELATED COMMUNICATION HANDICAPPED CHILDREN, Department of Psychiatry, University of North Carolina, DIAGNOSTIC EVALUATION”
EXHIBIT 11	138-139	Letter from “Dr. Shyam E. Balakrishnan, MD”.
EXHIBIT 12	140-146	PSYCHIATRIC EVALUATION from Dr. Conrad Daum in October, 2018
EXHIBIT 13	147-152	Information about Dr. Conrad Daum being a certified Forensic Psychiatrist
EXHIBIT 14	153-164	Case 1:13-cr-00435-TDS, Document #153, Filed 10/17/18, Pages 1 through 11; DECLARATION/AFFIDAVIT OF BRIAN DAVID HILL regarding what happened on September 21, 2018

It is clear that Glen Andrew Hall did not comply and former Attorney Scott Albrecht did not attempt to enforce the (#1) General District Court Order on November 28, 2018; (#2) Circuit Court Order on February 6, 2019, and (#3) Circuit Court Order on July 15, 2019. Glen Andrew Hall and Martinsville Police Department (client of the Commonwealth of Virginia who represents the Local Law Enforcement) did not comply with the **EXHIBIT 5 (EXHIBIT PAGES 112-114), EXHIBIT 6 (EXHIBIT PAGES 115-118), AND EXHIBIT 7 (EXHIBIT PAGES 119-122)** Court Orders dated November 28, 2018, February 6, 2019, and July 15, 2019. Defendant requests that this Court hold Glen Andrew Hall, Esquire in CONTEMPT and maybe even hold CONTEMPT PROCEEDINGS against him for spoliation of evidence requested from the Orders for Discovery Materials and allow further evidence to be shown and developed regarding such spoliation. Defendant is ready for showing the evidence of written correspondence and certified mail ever mailed, it is long overdue. Defendant is ready to demonstrate that Glen Andrew Hall should be held in contempt of court and recommendations to the Virginia State Bar for him to be disbarred from practice of law. Scott Albrecht was Brian David Hill's court appointed legal counsel all of the way until the body-camera footage was destroyed. So he was completely responsible for not enforcing those Court Orders ordered by the Court, and thus he is also presumed to be an accomplice to this spoliation of evidence, not Lauren McGarry and not Matthew Clark but Scott Albrecht who misled Brian David Hill and betrayed him and that was why Brian lost in General District Court. So both should be possibly sanctioned by this Court for wasting all of this time, wasting a lot of resources, causing all of these problems which cannot be undone. Degrading Brian's mental health, and deteriorating his mental and physical health.

Brian David Hill is innocent and should be adjudged Innocent from the STATEMENT OF FACTS proving that Brian David Hill had Autism Spectrum Disorder, Psychosis, and Obsessive Compulsive disorder at the time or around the time of his arrest on

September 21, 2018, and is relevant and/or material to the criminal charge against the Defendant.

Brian David Hill is innocent and should be adjudged Innocent from the STATEMENT OF FACTS showing that there was spoliation of evidence in violation of three Court Orders. One from the General District Court and the other two by the Circuit Court. Spoliation of evidence is proof that the case in chief by the Commonwealth of Virginia is a weak or unfounded one, that to his consciousness he rather win his case by any means necessary rather than play by the rules. He rather win than play fair. He should lose his case in chief for the destruction of evidence. Defendant has been up front and even if sometimes ranting or giving his opinion to the Commonwealth Attorney, he was upfront and honest about what had happened on September 21, 2018. He did the best he could to try to get the truth to be in the light in his criminal case. The Commonwealth Attorney Glen Andrew Hall made grave errors in the General District Court and Circuit Court. Spoliation of evidence including blood vials which is biological human evidence, it should be favorable to Brian David Hill the Defendant in this case, as further FACT of his ACTUAL INNOCENCE. Innocent men and women don't destroy evidence. That is a fact. Glen Andrew Hall and Martinsville Police Department both ignored Brian's letters asking Police Chief G. E. Cassady for the body-camera footage. It doesn't matter that they can ignore his pro se letters because Brian had an appointed lawyer. It doesn't matter because the COURT ORDERED the evidence and things like the body-camera footage or videos to be disclosed to the defense counsel. So they have violated the Court Orders, they cannot make the excuse that ignoring Brian Hill's letters to the Police Chief asking for the body-camera footage was rightful due to him having a lawyer when the Courts have ordered such evidence be retained or turned over to the defense lawyer or defense team. Therefore, Glen Andrew Hall has knowingly destroyed evidence and refused to turn over the body-camera footage as requested in Brian's letters to the Police Chief and as asked by Court Orders. Again, See **Exhibits 2 and 3**.

Therefore, the Defendant prays that this Honorable Court order the following:

1. That the Circuit Court declare or make a factual finding (after an evidentiary hearing) that Glen Andrew Hall, Esquire were in Contempt of Court for spoliation of evidence and refusal to turn over evidence to Defendant or his Legal Counsel as to the Court Orders dated November 28, 2018, February 6, 2019, and July 15, 2019;
2. That the Circuit Court consider a sanction or sanctions against Glen Andrew Hall by entering Judgment of Acquittal and acquitting Brian David Hill of his original charge of Indecent Exposure under Virginia Code § 18.2-387 for the prosecution's violation of the multiple Court Orders destroying evidence which would have led to the automatic acquittal of Brian David Hill whether in Martinsville's General District Court or in Trial De Novo in the Circuit Court for the City of Martinsville;
3. That the Circuit Court consider vacatur of the wrongful conviction dated November 18, 2019, and consider dismissing this case against Brian David Hill with prejudice as the damage of spoliation can never be undone and thus these permanent evidence destruction issues only warrant case dismissal with prejudice for good with any and all charge(s) dropped;
4. That the Circuit Court consider the newly admissible evidence of Brian David Hill's diagnoses of Autism Spectrum Disorder, Psychosis, and Obsessive Compulsive Disorder in regards to the INTENT element of the charge against Defendant to further consider that Brian David Hill is innocent of his charge which was filed on September 21, 2018;
5. That the Circuit Court consider filing a declaration or judgment of the Innocence of Brian David Hill or file an order of Judgment of Acquittal of Brian David Hill, whichever is proper;

6. That the Circuit Court waive and discharge any and all pending legal fees ever taxed or ordered against Defendant if the Circuit Court had determined that Defendant is innocent and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
7. That the Circuit Court waive and discharge any and all pending legal fees ever owed by the Defendant pursuant to all legal matters and cases that had begun from the original charge and prosecution on September 21, 2018, if the Circuit Court had determined that Defendant is innocent and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
8. That the Circuit Court consider providing any other relief or remedy that is just and proper, in the proper administration of justice and integrity for the Court.

Respectfully submitted with the Court, This  
the 20th day of January, 2022.

  
*Signed*

Brian D. Hill

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

**CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

Page **43** of **45**

I hereby certify that a true and accurate copy of the foregoing Motion was faxed or emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to Probation Conditions of not being allowed to use the Internet) or delivered this 20th day of January, 2021, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation

Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

  
Signed

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

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**U.S.W.G.O.**



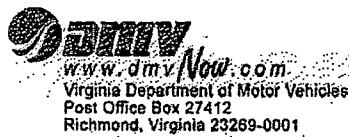
**EXHIBIT 1**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Thursday, January 20, 2022



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# DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION

MED 10 (02/17/2011)

**Purpose:** Use this form to apply for a disabled parking placard or disabled parking license plates.

**Instructions:** Submit to any Customer Service Center, DMV Select or mail to DMV, Data Integrity, P.O. Box 85815, Richmond, VA 23285-5815.

- For a parking placard, submit this form with a \$5.00 check or money order payable to DMV. Placard will be mailed to you in approximately 15 days. Only one placard may be issued to a customer.
- For disabled parking license plates, submit this form, a License Plate Application (VSA 10) and applicable fees.

DISABLED PARKING PLACARD ONLY (Disabled parking placard hangs from the rearview mirror.)			
CHECK ONE			
PERMANENT (5 years)	PERMANENT REPLACEMENT (5 years)	TEMPORARY (up to 6 months)	TEMPORARY REPLACEMENT
<input checked="" type="checkbox"/> Original (medical professional certification required)	<input type="checkbox"/> Lost	<input type="checkbox"/> Stolen	<input type="checkbox"/> Original
<input type="checkbox"/> Renewal (No medical professional certification required.)	<input type="checkbox"/> Destroyed	<input type="checkbox"/> Mutilated	<input type="checkbox"/> Lost
	<input type="checkbox"/> Reissue		<input type="checkbox"/> Stolen
			<input type="checkbox"/> Destroyed
			<input type="checkbox"/> Mutilated
			<input type="checkbox"/> Reissue

DISABLED PARKING (HP) LICENSE PLATES ONLY			
ORIGINAL PLATES	DUPLICATE	REISSUE	
<input type="checkbox"/> Complete and submit form VSA 10	<input type="checkbox"/> Lost	<input type="checkbox"/> Unreadable (License plate letters or numbers unclear)	<input type="checkbox"/> Check this box if this vehicle is specifically equipped and used for transporting groups of physically disabled persons.
	<input type="checkbox"/> Destroyed	<input type="checkbox"/> Never received license plates	

VEHICLE IDENTIFICATION NUMBER (VIN)	TITLE NUMBER
<input type="checkbox"/> I am the vehicle owner and the parent/legal guardian of a disabled dependent(s). List the name of each disabled person below.	

APPLICANT INFORMATION					
FULL LEGAL NAME (last)	(first)	(middle)	(suffix)	DMV ASSIGNED NUMBER OR SOCIAL SECURITY NUMBER	
HILL	BRIAN	David			
CURRENT RESIDENCE ADDRESS	<input checked="" type="checkbox"/> Check here if this is a new address.		CITY	STATE	ZIP CODE
310 Forest St., Apt. 2			Martinsville	VA	24112
CITY OR COUNTY OF RESIDENCE			DAYTIME TELEPHONE NUMBER OR CELL PHONE NUMBER		
Martinsville			276-790-3505		
MAILING ADDRESS (if different from above)	CITY	STATE	ZIP CODE		
BIRTH DATE (mm/dd/yyyy)	GENDER	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT
	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE			FT IN	LBS

APPLICANT CERTIFICATION	
<p>I understand that misuse, counterfeiting, or alteration of disabled placards may result in fines up to \$1000. and up to 6 months in jail and/or revocation of disabled parking privileges. I certify that I have a (check one): <input type="checkbox"/> Temporary <input checked="" type="checkbox"/> Permanent disability that limits or impairs my ability to walk or creates a safety concern while walking.</p> <p>I also understand that the disabled parking placard or plates issued to me cannot be loaned to anyone, including family members or friends, to benefit a person other than myself.</p> <p>I further certify and affirm that all information presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.</p>	
APPLICANT SIGNATURE	DATE (mm/dd/yyyy)
Brian D. Hill Signed	08/18/2016

**LICENSED PHYSICIAN/PHYSICIAN ASSISTANT/NURSE PRACTITIONER MEDICAL CERTIFICATION**

(This section does not have to be completed to renew permanent placards.)

☒ Permanently limited or impaired. A permanent disability as it relates to disabled parking privileges shall mean: a condition that limits or impairs movement from one place to another or the ability to walk as defined in Virginia Code §46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment.

☐ Temporarily limited or impaired beginning in the month of \_\_\_\_\_ and ending in the month of \_\_\_\_\_ (not to exceed 6 months).

Reason this patient's ability to walk is limited or impaired or creates a safety condition while walking. (check below)

☐ Cannot walk 200 feet without stopping to rest.☐ Uses portable oxygen.☐ Cannot walk without the use of or assistance from any of the following: another person, brace, cane, crutch, prosthetic device, wheelchair, or other assistive device.☐ Has a cardiac condition to the extent that functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.☐ Is restricted by lung disease to such an extent that forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest.☐ Is severely limited in ability to walk due to an arthritic, neurological, or orthopedic condition.☒ Has been diagnosed with a mental or developmental amnesia or delay that impairs judgment including, but not limited to, an autism spectrum disorder.☐ Has been diagnosed with Alzheimer's disease or another form of dementia.☐ Is legally blind or deaf.☐ Other condition that limits or impairs the ability to walk. Specific condition description must be specified below.

I certify and affirm that the described applicant is my patient, whose ability to walk, based on my examination, is limited or impaired or creates a safety concern while walking as described above.

I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.

MEDICAL PROFESSIONAL NAME

SHYAM BALAKRISHNAN

OFFICE TELEPHONE NUMBER

(276) 870 3300

OFFICE FAX NUMBER

(276) 634-0362

LICENSE TYPE

MD

LICENSE NUMBER (required)

[REDACTED]

STATE ISSUING LICENSE (required)

VA

LICENSE EXPIRATION DATE (mm/dd/yyyy) (required)

[REDACTED]

MEDICAL PROFESSIONAL SIGNATURE

[REDACTED]

DATE (mm/dd/yyyy)

8/31/16

**LICENSED CHIROPRACTOR OR PODIATRIST MEDICAL CERTIFICATION**

(This section does not have to be completed to renew permanent placards.)

☐ Permanently limited or impaired. A permanent disability as it relates to disabled parking privileges shall mean: a condition that limits or impairs movement from one place to another or the ability to walk as defined in Virginia Code §46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment.

☐ Temporarily limited or impaired beginning in the month of \_\_\_\_\_ and ending in the month of \_\_\_\_\_ (not to exceed 6 months).

Reason this patient's ability to walk is limited or impaired or creates a safety condition while walking. (Checked below)

☐ Cannot walk 200 feet without stopping to rest.☐ Cannot walk without the use of or assistance from any of the following: another person, brace, cane, crutch, prosthetic device, wheelchair, or other assistive device.☐ Is severely limited in ability to walk due to an arthritic, neurological or orthopedic condition.☐ Other condition that limits or impairs the ability to walk. Specific condition description must be specified below.

I certify and affirm that the described applicant is my patient, whose ability to walk, based on my examination, is limited or impaired or creates a safety concern while walking as described above.

I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.

MEDICAL PROFESSIONAL NAME

OFFICE TELEPHONE NUMBER

( )

OFFICE FAX NUMBER

( )

LICENSE TYPE

LICENSE NUMBER (required)

STATE ISSUING LICENSE (required)

LICENSE EXPIRATION DATE (mm/dd/yyyy) (required)

MEDICAL PROFESSIONAL SIGNATURE

DATE (mm/dd/yyyy)

**DMV USE ONLY**

PLATE/PLACARD NUMBER

PLACARD EXPIRATION DATE (mm/dd/yyyy)

EMPLOYEE STAMP

CUSTOMER CREDIT CARD NUMBER

CREDIT CARD EXPIRATION DATE (mm/dd/yyyy) FEE COLLECTED

**EXHIBIT 2**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Thursday, January 20, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

**VIRGINIA:**  
**IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE**

COMMONWEALTH OF VIRGINIA,

Plaintiff,

V.

BRIAN DAVID HILL

Defendant,

Criminal Action No. CR19000009-00

## Motion for Discovery

## Motion for Discovery

Pursuant to Rule 4:1 of the Virginia Rules of the Supreme Court and U.S. Supreme Court decision of *Brady v. Maryland*, 373 U.S. 83 S. Ct. 1194; 10 L. Ed. 2d 215; 1963, criminal Defendant Brian David Hill (“Brian”, “Hill”) would like to request that the Commonwealth Attorney (“CA”) be compelled to provide discovery materials to Defense counsel which are both material and relevant to the case. That is for the jury trial for the charge of “indecent exposure” as defined in Virginia Code § 18.2-387. The jury trial is scheduled for August 30, 2019, unless the court considers changing the date for any reason including but not limited to expert witnesses and a mental evaluation to determine sanity at the time of the offense.

Hill and/or his family have attempted to contact Martinsville Police Department (“CC: Commonwealth Attorney”) through written multiple correspondences asking for the body camera footage of Officer Sgt. R. D. Jones, by Hill writing the Martinsville Chief of Police G. E. Cassady asking for the body-camera footage to be turned over to

Brian's defense counsel (*Note: Attorney Scott Albrecht, at the time*) as pertinent to Virginia discovery requirements.

Evidence of attempting to request the police-body-camera footage of September 21, 2018, are made in the following Exhibits:

Exhibit 1)        2-Page U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #4 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 30, 2019, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**

Exhibit 2)        Photocopy of 1-Page letter from Brian David Hill to the Martinsville Police Chief dated January 19, 2019 while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. Also the second page of this Exhibit is a 1-page photocopy of the mailing envelope with mailing label before it was delivered to the prison Mail Room, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**

Exhibit 3)        1-Page of U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #8 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 22, 2019 with

the original letter before the photocopy of that same discovery letter was mailed at a later time (See Exhibit 1). The prison treated the mailing as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 1-page.**

Exhibit 4) 3-Page letter to the Martinsville Chief of Police, was typed up and mailed to them by Brian David Hill's grandparents. Noted: January 19, 2019 (Typed letter March 13, 2019), "Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady", "CC: Commonwealth Attorney, Case no C18-3138,". Note: The Defendant will be looking for the return receipt to see if it can be located in the pile of papers in the multiple boxes full of legal papers, so that the court will have proof of receipt if necessary. Total of 3-pages.

Exhibit 5) A 2-page news article titled "Body Cameras Proving Useful for Martinsville Police | WSET". It proves that since 2013, Martinsville Police Department records body-camera footage of incidents. That may include recording of Brian David Hill on September 21, 2018, and any statements that he had made in regards to a "man wearing a hoodie" and may be useful in proving that Brian David Hill was not acting right at the time which would help prove that he was under carbon monoxide poisoning. **Total of 2-pages.**

**Total evidence of 10 pages of five (5) Exhibits, 5 additional pages for the Exhibit page markers. 15 pages attached to this letter.**

#### ANALYSIS:

From the Virginia Supreme Court rules document:

*"The parties have a duty to seasonably supplement and amend discovery responses*

*pursuant to Rule 4:1(e) of the Rules of Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.*”

Since Defendant has sent two letters with “CC: Commonwealth Attorney, Case no. C18-3138,” and family sent one typed letter asking for the police body-camera footage for Hill's case, it is clear that Hill had made a good faith effort to explain to the prosecution and the Police Department that the body-camera footage of what had happened on September 21, 2018, was needed for discovery purposes for the case. The old case number for the General District Court case was referenced because Hill did not know the Circuit Court case number at the time he was sending those letters, but that case number is the very same case number of what was appealed. No responses were ever found or noted. As far as Hill is concerned, there are no responses to his discovery requests. Hill had mailed a copy of the letter (Exhibit 2) to Scott Albrecht while he was still Hill's counsel of record at the time. Attorney Scott Albrecht never informed Hill as to whether or not the body-camera footage was turned over to defense counsel. Therefore no responses are noted and no responses exist in regards to Hill's two attempts to ask for the body-camera footage and Hill's families one attempt in a typed letter asking for the body-camera footage. Three written attempts have been made asking for the body-camera footage this year, in a request to Martinsville Police Department and “CC: Commonwealth Attorney”.

It is clear that Brian David Hill as Defendant is entitled to the police body-camera footage pursuant to Rule 4:1 of the Supreme Court Rules for Virginia Courts as well as Brady v. Maryland case law from the U.S. Supreme Court (law of the land) which also applies to state courts, and any other rule or statute for the discovery process.

Also Hill would like to request from the Commonwealth Attorney and from Martinsville Police Department, that Hill's defense counsel get access to any blood-work or blood samples taken from Hill while he was at Sovah Hospital on September 21, 2018, before he was arrested. This includes any laboratory results, blood vials taken at the time of Hill's arrest, blood samples taken at the time of Hill's arrest, etc etc. Blood was clearly taken from Hill while he was at the Hospital, but since he was arrested, the Hospital likely would have given the blood drawn to the Police for conducting their own laboratory tests including but not limited to possible drugs.

Last page of Exhibit 10 in the evidence Exhibits which were attached to Brian's filed pro se Motion (Seq. # 22, filed 07/19/2019, evidence attached to this filing was filed on 07/22/2019 after being given to Clerk's office) for Defense of Mental Insanity "INSANITY DEF-FILED BY DEF", shows that laboratory results were ordered but later deleted from the chart and then Hill was released to Martinsville City Jail as stated in the medical records. Because Hill was escorted there with law enforcement, the Hospital likely had given the blood vials to the Martinsville Police Department to conduct their own laboratory work. That would mean a possibility that the Police Department has the blood samples, and the blood vials are likely in evidence storage for the indecent exposure investigation. Those are also subject to discovery for defense counsel. The blood vials are needed to conduct laboratory tests to find evidence of Carbon Monoxide poisoning in the blood with a lab test of "carboxyhemoglobin" which would prove that Carbon Monoxide was in the blood of Brian David Hill during the time of the alleged offense on September 21, 2018. Hill had asked Attorney Scott Abrecht, after he had turned himself in (Seq. #15, 05/30/2019, "HILL TURNED HIMSELF IN") to find the laboratory results but Hill later learned from his family that the Commonwealth Attorney didn't have the laboratory results, but the Commonwealth

Attorney never said anything to Scott Albrecht about the blood vials and blood-work that was drawn while Hill was at the hospital. So the blood vials may still exist as evidence and may be retained by Martinsville Police Department due to Sovah Hospital's policy in regards to a patient that is escorted by law enforcement or was with law enforcement.

Therefore for the following reasons, Hill respectfully requests with this honorable Court that the Court grant this motion for Discovery and compel the Commonwealth Attorney and Martinsville Police Department (who the Commonwealth represents) to turn over the evidence of the body-camera footage (*as noted above*) to Defense counsel, and the blood-work and/or blood-vials of Brian David Hill (*at the time he was arrested*) to Defense counsel. That the Court order all discovery evidence that the Commonwealth Attorney and Martinsville Police Department has withheld be turned over to Defense counsel As Soon As Possible.

WHEREFORE, the Defendant, Brian David Hill, prays that this Court enter an Order compelling discovery materials be turned over to Defense Counsel in regards to the issues stated herein.

Hill respectfully files this Motion with this honorable Court, this the 26<sup>th</sup> day of July, 2019.

Signed, Brian D. Hill  
Signed  
 Brian D. Hill (Pro Se)  
 Phone #: 276-790-3505  
 310 Forest Street, Apartment 1  
 Martinsville, Virginia 24112

**U.S.W.G.O.**

Amazon: The Frame Up of Journalist Brian D. Hill  
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

**Qanon**

Brian D. Hill asks President Donald John Trump and QANON for help.

This pleading has been filed by hand delivery to the office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on July 26, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July, 2019, a true copy of the foregoing Motion/Pleading was hand delivered to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia.

Signed, Brian D. Hill  
*Signed*

Brian D. Hill (Pro Se)  
Phone #: 276-790-3505  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112

**U.S.W.G.O.**

Amazon: The Frame Up of Journalist Brian D. Hill  
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

**Qanon**

Brian D. Hill asks President Donald John Trump and QANON for help.

# Exhibit 1

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

# Mailing Log 2019 U.S.W.G.O. Brian David Hill #29947-057

Federal Correctional Institution <sup>1</sup> Butner, N.C.  
Old N.C. Hwy 75 - P.O. Box 1000 - 27509

- |     |      |   |
|-----|------|---|
| #1  | 4pg  | Jason McMurray, Western Dist. of Virginia, U.S. Probation Office,<br>210 Franklin RD SW, Roanoke, VA 24011 01/25/2019   |
| #2  | 4pg  | Alexandria Veletsis, Exe. Office of President, 1600 Pennsylvania Ave NW,<br>The White House, Washington DC 20005, US 01/28/2019   |
| #3  | 10pg | Hon Ashby Pritchett, Clerk of the Court, P.O. Box 1206,<br>Martinsville Circuit CRT, Martinsville, VA 24114-1206,<br>US 01/28/2019  |
| #4  | 2pg  | Chief of Police, Police of Martinsville, Martinsville VA Police,<br>55 West Church St, Municipal Building, Martinsville, VA 24112<br>US 01/30/2019  |
| #5  | 5pg  | Alexandria Veletsis, Exe. Office of President, 1600 Pennsylvania Ave NW,<br>The White House, Washington DC 20005, US 01/31/2019   |
| #6  | 1pg  | Law Office of Marcia G. Shein (Attorney), Marcia G. Shein,<br>2392 N Decatur RD, Decatur, GA 30033 US 02/01/2019  |
| #7  | 1pg  | Law Offices of Alan Ellis (Attorney), Alan Ellis, 271 Madison Ave<br>20th Floor, New York, NY 10016 US 02/04/2019   |
| #8  | 4pg  | ATTN: National Security Council, The White House, Exe. Office of<br>President, 1600 Pennsylvania Ave, NW, National Security Council,<br>Washington, DC 20005, US 02/04/2019, Letter Feb. 3 2019 |
| #9  | 3pg  | Clerk Of The Court, 210 Franklin RD SW, U.S. District Court,<br>Roanoke, VA 24011, US 02/06/2019  |
| #10 | 1pg  | Office Of The Clerk, Middle Dist North Carolina, 324 W Market<br>St, U.S. District Court, Ste. 1, Greensboro, NC 27401-2513, US<br>02/07/2019   |
| #11 | 5pg  | ATTN: National Security Council. Same mailing address as #8<br>02/14/2019   |

- #1. 2-page letter to U.S. Probation Officer Jason McMurray, Copy of 1-page letter to Chief of Police dated January 19th, 2019 and Copy of 1-page letter to Chief of Police dated January 20th, 2019.
- #2. 4-page letter to Alexandria Veletsis dated January 26, 2019.
- #3. 3-page Testimony of Brian David Hill - Declaration and 3-page copy for Commonwealth Attorney; 2-page Notice of Additional Evidence and 2-page copy dated Jan 28, 2019, for Commonwealth Attorney. Testimony dated January 27, 2019.
- #4. copy of 1-page letter to Chief of Police dated January 20, 2019; and copy of 1-page letter to Chief of Police dated January 19, 2019.
- #5. Photocopy of same 4-page letter to Alexandria Veletsis (#2.) dated January 26, 2019; Copy of 1-page letter personally delivered to Bernie Maidoff delivered 5:35PM January 30, 2019.  
Certified mail tracking number: 7018 1130 0000 8936 6290
- #6. 1-page letter to Attorney Marcia G. Shein dated February 1, 2019.
- #7. 1-page letter to Attorney Alan Ellis dated February 1, 2019.
- #8. 4-page letter to the National Security Council dated February 3, 2019.  
Certified Mail tracking number: Feb. 3 7018 1130 0000 8936 6320
- #9. 1-page Motion to Request Transcripts, 1-page Certificate of Service, and 1-page letter to the Clerk of the Court dated February 6, 2019.
- #10. 1-page Docket Report request letter to Clerk of the Court dated February 7, 2019.
- #11. 4-page letter to National Security Council dated February 13, 2019. 1-page photocopy of Request to Staff dated 02/13/2019 06:49:30PM. Certified Mail tracking no. 7018 1130 0000 8936 6306

# Exhibit 2

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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

Dear Chief of Police of Martinsville Police Dept,  
 CC: Commonwealth Attorney, Case no. C18-3138,  
 55 West Church Street,  
 Municipal Building,  
 Martinsville, VA 24112,

Martinsville Circuit Court case  
 Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v. Maryland, Giglio v. U.S., Brian David Hill hereby requests a copy of Police Body-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September ~~20~~ 21, 2018, where I gave statements about the man wearing the hoodie who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank You for your service.

My Respects,

Brian D. Hill

Signed

Brian David Hill #29947-057

Federal Correctional Institution <sup>1</sup>

Old NC Hwy 75; P.O. Box 1000

Butner, N.C. 27509

JusticeForUSWGO.wordpress.com

U.S.W.G.O.

Dated January 19, 2019.

P.S. Brian Hill has Autism  
 Spectrum Disorder in DMV  
 handicap placard records.

Brian David Hill #29947-057

Name: Number:  
Federal Correctional Institution 1  
P.O. Box 1000  
Butner, NC 27509

*Chief of Police*

⇨ 29947-057 ⇨

Police Of Martinsville  
Martinsville VA Police  
55 W Church ST  
Municipal Building  
Martinsville, VA 24112  
United States



*LEGAL MAIL*  
3080

# Exhibit 3

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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

FCI<sup>2</sup>, Butner, N.C.  
 Brian David Hill #29947-057

# Mailing Log 2019 U.S.W.G.O.

Brian David Hill #29947-057

Federal Correctional Institution<sup>1</sup>, Butner, N.C.

- |     |     |   |
|-----|-----|---|
| #1  | 1pg | ↔29947-057 ↔ Federal Building, 324 W Market St Suite 1, Greensboro, NC 27401-2513, US 01/14/2019 Clerk of the Court - <del>01/26/2019</del> 01-14-2019  |
| #2  | 2pg | Hon Ashby Pritchett, Clerk of the Court PO Box 1206, Martinsville Circuit CRT, Martinsville, VA 1206, US 01/14/2019                                     |
| #3  | 2pg | Scott Albrecht Public Defender Office, 31 P.O. Drawer, Martinsville, VA 24114 US - 01/15/2019 01/18/2019  |
| #4  | 2pg | Clerk of the Court, U.S. District Court, Federal Building, 324 W Market St Suite 1, Greensboro, NC 27401-2513, US 01/18/2019                            |
| #5  | 2pg | Office of VA Attorney General, 202 N 9TH ST Virginia Attorney General, Richmond VA 23219 US 01/17/2019 - 7018-1130-0000-8936-6214 Certified             |
| #6  | 2pg | Administrative Office of US Courts Admin. Office of US Courts 1 Columbus CIR NE Probation Oversight Branch, Washington, DC 20002 US [Urgent] 01/17/2019 |
| #7  | 4pg | Clerk of the Court, 210 Franklin Rd SW, U.S. District Court, Roanoke VA 24014 US 01/18/2019   |
| #8  | 4pg | Chief of Police, Police of Martinsville, 55 W Church ST, Municipal Building, Martinsville, VA 24112 US 01/22/2019                                       |
| #9  | 4pg | U.S. Federal Courthouse, Hon. Judge Joe Webster, Magistrate 323 E Chapel Hill ST, Room 2, Durham, NC 27701-3351, US 01/24/2019                          |
| #10 | 4pg | Anand P Ramaswamy, AUSA United States Attorney, 101 S Edgeworth ST 4th Floor, Greensboro, NC 27401, US 01/24/2019                                       |
| #11 | 2pg | Attorney Scott Albrecht, Public Defender Office, 31 P.O. Drawer, Martinsville, VA 24114 US 01/24/2019   |

# Exhibit 4

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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA

January 19, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v Maryland, Giglio v U.S., Brian Hill hereby requests a copy of Police-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September 20, 2018, where I gave statements about the man wearing the hoodie, who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank you for your service.

My Respects,

Brian D. Hill (Signed)

Dated January 19, 2019

P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records

Brian David Hill #29947-057 Federal Correctional Institution 1  
Old NC Hwy 75; P.O. Box 1000 Butner, NC 27509  
JusticeForUSWGO.wordpress.com USWGO

(Letter 1)

January 20, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Department: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case

There are more facts that must be known about me in this case which involve my mental/neurological disability/handicap of Autism Spectrum Disorder. The man that had threatened to kill my mother Roberta Hill if I didn't get naked and take pictures of myself is a form of verbal sexual abuse similar to a pedophile threatening a kid to get naked. I almost would have gotten sexually taken advantage of by an inmate named Crutchfield while I'm being evaluated mentally here meaning, I would have been raped if other inmates with life sentences had not taken up for me and protected me that are against rape. Research on Google that people with Autism are more likely to be verbally and physically sexually abused. The man wearing the hoodie wanted to take advantage of me. Please contact Renetta Craighead of Piedmont Community Services and REACH. They will explain to you about my condition. I never should have been arrested and should have been placed in witness protection. This case should be dismissed. I am Innocent. Thank you.

My respects,

Brian D. Hill (Signed)

Dated January 20, 2019

Caretaker: Roberta Hill:  
276-790-3505, 276-224-7373  
Kenneth Forinash, U.S.A.F:  
276-632-2599, 276-224-4527

Brian David Hill #29947-057  
Federal Correctional Institution  
Old NC Hwy 75; PO Box 1000  
Butner, NC 27509

**Copy of note mailed with letter dated January 19, 2019**

**Chief of Police and Commonwealth Attorney in Martinsville,  
VA,**

**Please acknowledge receipt of letters. Please write response.**

**Thank you**

**Brian D. Hill**

**God bless you!**

**Note: In a week of no response, I will assume that it was lost  
and mail another copy. Thanks.**

**Note from Brian's grandparents. Brian wrote this on  
January 19, 2019 and January, 20, 2019. He received no  
response, He sent it again and received no response a week  
later. After waiting almost two months, his grandparents  
will have to go to the post office and send this out return  
receipt requested. You also should know that Brian has  
been on disability since the age of 19 months; has brittle  
diabetes requiring insulin shots, has seizures, autism, anxiety  
and OCD. His actions that night were not normal. He was a  
victim who was arrested and sent to jail by the police who  
are supposed to protect its citizens and disabled. Brian's  
mom and grandparents were at the trial and noticed the  
prosecuting attorney making derogatory comments and  
making fun of this disabled citizen of Martinsville in front of  
his family and many other people in the court room.**

*Brian, We are also sending a copy  
of the 3 page disabled parking placard  
with your disability (autism) &  
your name & address with this letter to chief of Police*

# Exhibit 5

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QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00  
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1  
MIDDLE DISTRICT OF NORTH CAROLINA



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AA

Martinsville, VA -- The Martinsville Police Department says a small device has been making a big difference in fighting crime.

About a year ago, they got 38 cameras that the officers wear. They received the cameras because of a grant from the Virginia Municipal League. And they say they have really proven themselves.

Even on a very routine call, every word spoken and every movement taken will be captured clearly.

"Having this thing with us is like having someone with us whose memory is infallible," said Sgt. Chad Rhoads with the Martinsville Police Department.

Captain Eddie Cassady calls the cameras "like another officer" watching out for his force.

"They have been very useful for us," said Cassady.

For about a year, every Martinsville Police patrolling officer has worn one of these cameras. And for such a small device, it does a lot even capturing the sound of cars driving by in the distance.

"It helps clear up any disagreements. Anytime you talk to somebody, there are two different versions of what went on," said Rhodes.

And Rhoads explains, this camera shows the real version.

"It helps us investigate cases. It also helps us identify potential witnesses in other crime scenes too," said Cassady.

In the past few months, it did something they didn't even expect. When a man

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT

DATE: 07/26/2019 @10:59:43

TESTE: Jennifer C. Coplin  
CLERK DEPUTY CLERK

**EXHIBIT 3**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Thursday, January 20, 2022



Even though I fell down the slope, cuts all over my body, my head likely got hit, I told the police officer, he appeared to have activated his body camera, I was shaken up but I tried to explain the situation as best as I could, I told him I have Autism, I tried to tell him about the guy in the hoodie, I was taken in an ambulance to the hospital, my mother and grandparents showed up, told them as much as I could what had happened. At one point I think that man was Officer R. D. Jones of Martinsville Police. He said that if I am lying, that I can be charged with filing a false report. I looked at him straight in the eyes and told Officer Jones that I told him the truth, all of that went on at the hospital. I was advised that I would be placed under arrest. Nobody walked on the trail when I was seen, hand over my mouth, guy in the hoodie, only time I was seen was the part of the trail where Southern Finishing factory was, where vehicles go by, but hardly any traffic at night. I signaled that I was gagged, that was why my hand was over my mouth. I never masturbated, I told the police the truth.

When I was seen by a passing vehicle, I never masturbated, hand over my mouth and other hand with a flashlight.

(20) My attorney told me that unless I was aroused and masturbated, I wasn't doing anything indecent. He says that I am innocent, I mean not-guilty of indecent exposure.

**EXHIBIT 4**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Thursday, January 20, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

3 UNITED STATES OF AMERICA           )   CASE NO. 1:13CR435-1  
4                                        )     
5                   vs.                 )   Winston-Salem, North Carolina  
6 BRIAN DAVID HILL                    )   September 12, 2019  
                                      )   3:37 p.m.  
7

8                   TRANSCRIPT OF THE **SUPERVISED RELEASE REVOCATION HEARING**  
9                   BEFORE THE HONORABLE THOMAS D. SCHROEDER  
10                   UNITED STATES DISTRICT JUDGE

11 APPEARANCES:

12 For the Government:           ANAND RAMASWAMY, AUSA  
13                                       Office of the U.S. Attorney  
14                                       101 S. Edgeworth Street, 4th Floor  
                                      Greensboro, North Carolina 27401

15 For the Defendant:           RENORDA E. PRYOR, ESQ  
16                                       Herring Law Center  
17                                       1821 Hillandale Road, Suite 1B-220  
                                      Durham, North Carolina

18 Court Reporter:               BRIANA L. BELL, RPR  
19                                       Official Court Reporter  
20                                       P.O. Box 20991  
                                      Winston-Salem, North Carolina 27120

21  
22  
23  
24                   Proceedings recorded by mechanical stenotype reporter.  
25                   Transcript produced by computer-aided transcription.G1

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SERGEANT ROBERT JONES

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ROBERTA HILL

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## EXHIBITS

<u>Exhibits:</u>	<u>Identified</u>	<u>Received</u>
G-1 Contact sheet of photographs found on Defendant's camera	17	18
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G-3 Photographs of area	20	29
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G-7 Roadmap of locations of where photographs were taken	25	29
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G-9 Screenshot of properties for Exhibit No. 8	27	29
G-10 Virginia Code Section 18.2-387	28	29

1 P R O C E E D I N G S

2 (The Defendant was present.)

3 **THE COURT:** All right. Mr. Ramaswamy, good  
4 afternoon, sir.

5 **MR. RAMASWAMY:** Good afternoon, Your Honor. The  
6 Government calls for hearing on a supervised release violation  
7 United States versus Brian David Hill in 1:13CR435-1,  
8 represented by Ms. Pryor.

9 **MS. PRYOR:** Good afternoon, Your Honor.

10 **THE COURT:** Good afternoon, Ms. Pryor. How are you?

11 **MS. PRYOR:** I'm wonderful, Your Honor. Thank you.

12 **THE COURT:** Mr. Hill, good afternoon to you.

13 Mr. Alligood and Mr. McMurray are here from the  
14 Western District of Virginia, welcome, here on behalf of  
15 Probation.

16 We're here today because the petition and the  
17 supplemental report allege that Mr. Hill violated the terms of  
18 supervision.

19 Did you receive a copy of the petition and the  
20 supplement?

21 **MS. PRYOR:** We did, Your Honor.

22 **THE COURT:** Have you reviewed those with your client?

23 **MS. PRYOR:** I have, Your Honor. And Mr. Hill is  
24 actually requesting a continuance of this matter today, Your  
25 Honor. I believe it was -- I won't said filed because we don't

1 have an actual clerk's office here, but I think he did provide  
2 it on I believe the 8th floor, Your Honor, and because of the  
3 time that he drafted it, it seems like last night, he didn't  
4 have an opportunity to file it. So he did provide it to me, a  
5 copy, today.

6 He's asking for a continuance because his matter in  
7 state court was actually -- his appeal hearing was continued to  
8 December 2. It was in order -- the first hearing that he had,  
9 I believe he -- his attorney was released from that. He has a  
10 new attorney in state court, and so they continued it out to  
11 December 2.

12 And so Mr. Hill is asking, based on his rights here,  
13 that he would like for his hearing to be heard -- in  
14 Martinsville, Virginia, to be heard before this hearing today.

15 **THE COURT:** So explain to me exactly what is set for  
16 hearing in Virginia.

17 **MS. PRYOR:** So, Your Honor, he was found guilty of  
18 indecent exposure in Martinsville, Virginia. He appealed that  
19 matter. That matter was scheduled for --

20 **THE COURT:** Let me stop you.

21 **MS. PRYOR:** I apologize, yes.

22 **THE COURT:** So he's found guilty in the trial court?

23 **MS. PRYOR:** He was found guilty at trial, yes, Your  
24 Honor.

25 **THE COURT:** So he's appealed it to whom?

1           **MS. PRYOR:** He's appealed it to their -- which would  
2 be their next level, which would be their superior court. In  
3 that case, when he went to court on -- I think that was two  
4 weeks ago, they continued that matter to December 2 to be heard  
5 at that time, and he now has a new attorney.

6           **THE COURT:** And what's the nature of that appeal?

7           **MS. PRYOR:** It is the underlining matters that are  
8 here on this case.

9           **THE COURT:** I understand. Is it a de novo review, or  
10 is it an appeal?

11          **MS. PRYOR:** It would be a de novo review, Your Honor.

12          **THE COURT:** All right. What was he found guilty of?

13          **MS. PRYOR:** He was found guilty of the charges that  
14 he's here for today, Your Honor, which was in violation of  
15 indecent exposure. I think it's 137 -- I think it's 20-137,  
16 which is indecent exposure. It is a misdemeanor, Your Honor.

17          **THE COURT:** According to the petition, it's Virginia  
18 Code 18.2-387.

19          **MS. PRYOR:** I apologize, Your Honor. That's correct.

20          **THE COURT:** All right. Okay. Anything else on that?

21          **MS. PRYOR:** That's it, Your Honor. And then, of  
22 course, you know, Your Honor, if you would not continue it,  
23 we're prepared to proceed.

24          **THE COURT:** Well, I've also reviewed apparently today  
25 a pro se emergency notice of interlocutory appeal. Are you

1 aware of that?

2 **MS. PRYOR:** That's what I actually have, Your Honor,  
3 and I was referencing it as a continuance. Your Honor, I did  
4 receive that. I believe it might be couched in the wrong -- in  
5 what he's requesting. So, Your Honor --

6 **THE COURT:** This one says he's appealing to the  
7 Fourth Circuit; is that not right?

8 **MS. PRYOR:** That is correct, Your Honor.

9 **THE COURT:** What he's appealing?

10 **MS. PRYOR:** Your Honor, he is appealing --

11 **THE COURT:** I haven't ruled yet.

12 **MS. PRYOR:** I know, Your Honor.

13 **THE COURT:** Okay. All right.

14 Mr. Ramaswamy?

15 **MR. RAMASWAMY:** As to this -- addressing this motion  
16 --

17 **THE COURT:** Which "this"?

18 **MR. RAMASWAMY:** I'm sorry. There's no file number on  
19 it, but the petition for notice of interlocutory appeal, it  
20 would appear to the Government he's appealing Document 183,  
21 that's in the second paragraph, which is the Court's order on  
22 the motion to continue. That was a motion to continue by the  
23 defense, which the Court granted and the Government didn't  
24 oppose. So it would appear Mr. Hill's attempting pro se to  
25 appeal an order that was in the Defendant's favor.

1           **THE COURT:** Hold on just a minute.

2           (Pause in the proceedings.)

3           **THE COURT:** Okay. What's your position on the other  
4 motion? They want to continue this because he's appealing  
5 Virginia -- the court's -- the trial court's determination.

6           **MR. RAMASWAMY:** I don't believe there is a motion --  
7 unless it's one made orally, there is a motion to continue.

8           **THE COURT:** Do I have a written one?

9           **MS. PRYOR:** You do not have a written one, Your  
10 Honor. That was an oral motion just now, Your Honor. That's  
11 correct.

12          **THE COURT:** What's your view on that?

13          **MR. RAMASWAMY:** We would oppose, Your Honor. The  
14 officer is here under subpoena. The Defendant is here. The  
15 supervising officer is also here from Martinsville, Virginia.

16          **THE COURT:** Let me ask a question. When did the  
17 court in Virginia rule?

18          **MS. PRYOR:** Your Honor, do you mind if I get a second  
19 just to ask that question?

20          **THE COURT:** That's fine. I am going to want to know  
21 when he took the appeal, too.

22          **MS. PRYOR:** Okay. Yes, Your Honor.

23          (Ms. Pryor conferred with the Defendant.)

24          **MS. PRYOR:** I apologize. Thank you, Your Honor.

25          Your Honor, he actually was found guilty on

1 December 21 of 2019. He filed a pro se appeal on December 21,  
2 but it was mailed, so they did not have it couched as a pro se  
3 appeal until December 26 of 2019 -- I mean, I'm sorry, 2018. I  
4 apologize.

5 **THE COURT:** Okay. And then when was that scheduled  
6 for hearing?

7 **MS. PRYOR:** Well, Your Honor, when he did have the  
8 first hearing, they then -- he, of course --

9 **THE COURT:** When was the appeal scheduled to be  
10 heard, the original?

11 **MS. PRYOR:** Oh, the original, it was not scheduled  
12 until May and then -- that's only because he went off -- and I  
13 know that's probably longer than what you are asking me for,  
14 but they sent him to Butner for competency. He came back in  
15 May. They did couch the first hearing for May, and then they  
16 continued that one because he released that attorney. And then  
17 in July, he had a hearing, which is the one that you gave us  
18 permission to continue to this date for that hearing, but then  
19 that hearing was then rescheduled. He has another attorney who  
20 is going to be handling that hearing on December 2.

21 **THE COURT:** Okay. Well, the motion is dennded. The  
22 standard before this Court on a potential revocation of a  
23 petition is a preponderance standard, which is a different  
24 standard. So even if he were found not to be guilty beyond a  
25 reasonable doubt in a criminal court, that would not

1 necessarily preclude this Court from finding him guilty on a  
2 preponderance basis because that's the burden of proof. So it  
3 is also a late-blooming motion, so on timeliness grounds as  
4 well, I am going to deny the motion.

5 **MS. PRYOR:** Thank you, Your Honor.

6 **THE COURT:** All right. I read this emergency  
7 petitioner's notice of interlocutory appeal. To the extent  
8 that's even pending before me, it's not an impediment to my  
9 moving forward. He's purporting to appeal an order that, as  
10 the Government says, was one I granted in his favor, extending  
11 him more time to proceed. So he's not been harmed by that  
12 order, but, in any event, it's interlocutory.

13 So are you prepared to proceed?

14 **MS. PRYOR:** Yes, sir.

15 **THE COURT:** Did you say you reviewed the petition and  
16 the supplement with your client?

17 **MS. PRYOR:** I did review it with him, yes, Your  
18 Honor.

19 **THE COURT:** Do you have access to his original  
20 presentence report?

21 **MS. PRYOR:** I do, Your Honor.

22 **THE COURT:** And are you confident that he understands  
23 the charges pending against him?

24 **MS. PRYOR:** I am confident that he understands the  
25 charges that are here today.

1           **THE COURT:** All right. Mr. Hill, I need to speak  
2 with you for a moment, if you would stand, please, sir.

3           How are you this afternoon?

4           **THE DEFENDANT:** I'm all right.

5           **THE COURT:** Good. Did you receive a copy of the  
6 petition and supplement?

7           **THE DEFENDANT:** I did.

8           **THE COURT:** Did you review those with Ms. Pryor?

9           **THE DEFENDANT:** Yes.

10          **THE COURT:** Do you understand the charge against you?

11          **THE DEFENDANT:** I am.

12          **THE COURT:** You may have a seat, sir.

13          The allegation in the petition is that Mr. Hill was  
14 arrested by the Martinsville, Virginia Police Department for a  
15 misdemeanor indecent exposure on September 21, 2018. He  
16 reportedly was running around a public park nude at the time.

17          Does the Defendant admit or deny this allegation?

18          **MS. PRYOR:** He denies, Your Honor.

19          **THE COURT:** All right. Is the Government prepared to  
20 proceed?

21          **MR. RAMASWAMY:** Yes, Your Honor.

22          **THE COURT:** All right. You may call your witnesses.

23          **MR. RAMASWAMY:** Thank you. The Government would call  
24 Robert Jones.

25          **SERGEANT ROBERT JONES,** GOVERNMENT'S WITNESS, being first duly

1 sworn, testified as follows at 3:48 p.m.:

2           **THE COURT:** Before you begin, give me a chance to  
3 look at one thing.

4           **MS. PRYOR:** Your Honor, may I have just one moment  
5 with my client?

6           **THE COURT:** Yes, you may.

7 (Ms. Pryor conferred with the Defendant.)

8           **THE COURT:** Okay. I was just confirming that it's  
9 Docket Entry 176, that the U.S. Court for the Western District  
10 of Virginia in Roanoke did, in fact, find Mr. Hill to be  
11 competent. That appears to be the case.

12           **MS. PRYOR:** That is correct, Your Honor.

13           **THE COURT:** Thank you. All right.

14 Mr. Ramaswamy, you may proceed, sir.

15 DIRECT EXAMINATION

16 **BY MR. RAMASWAMY**

17 Q Would you state your name and occupation for the record,  
18 please.

19 A Robert Jones, patrol sergeant in the Martinsville City  
20 Police Department.

21 Q How long have you been with the Martinsville PD?

22 A Just over 17 and a half years.

23 Q And were you on duty on September 21st of last year?

24 A I was.

25 Q And what were your duties on that date?

1 A I was the supervisor for the patrol shift that evening.

2 Q Did you receive a call from dispatch that evening?

3 A We did.

4 Q What was that call in reference to?

5 A Radio traffic came across as a male subject with no  
6 clothes on running down the side of the street at Hooker Street  
7 near the Henry County Public Safety building.

8 Q And what did you do in response to that call?

9 A Several of the officers that work for me went to that area  
10 and were trying to locate that individual. I came from another  
11 part of the town. As I came across, they were not having any  
12 luck locating him. I went to an area of Pine Street. At the  
13 dead end section of that, there is a set of steps that go onto  
14 the walking trail that connects where the individual was first  
15 seen to where I was coming from.

16 Q You mentioned Hooker Street was the original place of the  
17 report; correct?

18 A Correct. It's Hooker Street and Church Street there at  
19 Burger King. It's an intersection right there at that area.

20 Q You mentioned the walking trail. What's the name of that  
21 trail?

22 A It is the Dick and Willie Trail.

23 Q And do you know approximately how long that trail is?

24 A It's several miles long.

25 Q And in reference to Martinsville, where does it go in

1 reference -- is it remote or is it residential or a mixture?

2 A A mixture.

3 Q I believe you said you went to a set of steps near Pine  
4 Street; is that correct?

5 A Yes, sir.

6 Q Would you tell the Court what happened next?

7 A I went down the steps around the edge of the intersection  
8 there where the trail splits off back towards the direction  
9 where the individual had been seen. As I was coming up the  
10 trail, I could hear footsteps coming towards me; at which  
11 point, I stopped to see if the individual would come closer to  
12 me before I made contact.

13 Q On that trail, is that trail open at night?

14 A It is.

15 Q Is it a park?

16 A It's a walking trail that goes from the county through the  
17 city back out into the county.

18 Q And you said you heard the footsteps before you saw  
19 someone?

20 A Correct.

21 Q Did you eventually see someone?

22 A I did.

23 Q Did you see him -- did you have a flashlight?

24 A I did.

25 Q Did you see him by your flashlight or by other light?

1 A By my flashlight.

2 Q And do you see the person that you saw that night?

3 A I do.

4 Q And is he in the courtroom?

5 A He is. It's the Defendant sitting at the table with his  
6 attorney.

7 Q Mr. Hill?

8 A Correct.

9 Q Describe Mr. Hill when you saw him.

10 A When I shined my light on Mr. Hill, he was completely  
11 naked other than a backpack, his tennis shoes and socks, and a  
12 stocking cap.

13 Q How far away was he when you first saw him?

14 A About the length of the courtroom.

15 Q And when you -- after you saw him, what did you do?

16 A I yelled at him to stop. When I shined my flashlight on  
17 him, he took off, which would have been where I was facing to  
18 my left into the wood line and down the hill into the creek.

19 Q Did you see him holding anything?

20 A He did. He had a yellow flashlight in his hand and then  
21 also another black object, which was later found to be another  
22 flashlight in his other hand.

23 Q I'm sorry. After he ran down the hill and into the wooded  
24 area, did you pursue?

25 A I did.

1 Q Describe that for the Court, please.

2 A We run through the brush, through the thicket down into  
3 the creek; at which point, he jumped over a log into the creek.

4 Q Was he still holding the objects?

5 A One of the objects had fell. The small black flashlight  
6 had fallen. That was picked up by one of the other officers  
7 that came to assist me.

8 Q And what did you do next?

9 A He was handcuffed at that point and was walked out of the  
10 wooded area back to the patrol cars that met us at -- off of  
11 Hooker Street on one of the side streets.

12 Q You mentioned two flashlights in a backpack. Did he have  
13 anything else with him?

14 A Yes, there was -- in his backpack was located a camera.

15 Q Did Mr. Hill make any statements to you at that time?

16 A He was complaining of knee pain; at which point, we  
17 transported him to the hospital to get him checked out to make  
18 sure he was okay. While there, he proceeded to explain to me  
19 that the reason he was out there like that was because a male  
20 subject -- a black male in a hoodie had threatened him and  
21 forced him to take pictures of himself.

22 Q What -- did he gave any more detail than that, a black  
23 male in a hoodie forced him to take photos?

24 A He did. He said that the male subject threatened him and  
25 his family and told him that he needed to take these photos of

1 himself naked; otherwise, they were going to hurt his family.

2 Q Did he make any statement as to whether or not this person  
3 knew his family?

4 A When questioning him if the male subject was with him when  
5 he took the photos and stuff that were on the camera, he stated  
6 he was not with him. And when questioned about that and why he  
7 didn't come to see us and asked him -- he proceeded to explain  
8 to us that this subject was working for law enforcement and  
9 other individuals in reference to his prior charges.

10 Q So it was a story that his original child pornography  
11 charge -- that this unknown person was somehow affiliated with  
12 that charge?

13 A Correct.

14 Q What did he say about the camera itself?

15 A He said that the -- originally said that the male subject  
16 had given him the camera to go take the photos. I had seized  
17 the camera during this time. A search warrant was issued for  
18 it, and on the camera card -- on the SD card inside the camera  
19 was a Word document that belonged to Mr. Hill.

20 Q Were there other things on the camera card?

21 A Photos from that evening.

22 Q Did he say what he was supposed to do with the camera  
23 after he took these pictures?

24 A He did. He was supposed to leave it on one of the benches  
25 on the walking trail.

1 Q Now, did you obtain a search warrant for the contents of  
2 the camera?

3 A I did.

4 Q And did you later find the photographs and document you  
5 mentioned on the camera?

6 A Correct.

7 **MR. RAMASWAMY:** May I approach?

8 **THE COURT:** Yes.

9 **BY MR. RAMASWAMY**

10 Q Officer Jones, I'm going to show what's marked as  
11 Government's Exhibit 1, which is a two-page exhibit, a contact  
12 sheet. Do you recognize what's on Government's Exhibit 1?

13 A Yes. These are thumbnails of the photos that were found  
14 on that card.

15 Q I'm going to ask you to look at Government's Exhibit 1,  
16 and on the photographs themselves, does there appear to be a  
17 time/date stamp?

18 A It is.

19 Q Is that time/date stamp consistent with the day that the  
20 incident occurred?

21 A It is.

22 Q And also below each photograph is some text that begins  
23 with the word "Sanyo," and the first one at the top left of  
24 Government's Exhibit 1 says sanyo001.jpg. Do you know what  
25 that is?

1 A That's the -- normally, that's the stamp that the camera  
2 puts onto the card for the photo that's stored on it.

3 Q So that's the file name for each of the photographic files  
4 on the camera?

5 A Correct.

6 Q Is what's shown in Government's Exhibit 1 all of the  
7 photographs found on Mr. Hill's camera?

8 A Yes.

9 Q And I know there are --

10 **MR. RAMASWAMY:** I would ask that Government's  
11 Exhibit 1 be admitted, Your Honor.

12 **MS. PRYOR:** Your Honor, we have no objection. Just  
13 ask that it be sealed because of the nature of it.

14 **THE COURT:** All right. It's admitted.

15 **BY MR. RAMASWAMY**

16 Q I'm going to ask you about Government's Exhibit 1 in  
17 relation to this trail, the Dick and Willie Passage. In your  
18 further investigation or knowledge, were you able to determine  
19 whether these photographs were taken in reference to that  
20 trail?

21 A Further investigation from the initial incident, it looks  
22 like all of these were taking place at the Greene Company right  
23 behind the Mexican restaurant right in that area, Virginia  
24 Avenue, Memorial Boulevard, and Commonwealth Boulevard.

25 Q What type of area is that?

1 A It's the Wal-Mart -- it's our Wal-Mart intersection.  
2 There's several restaurants, a gas station right here in this  
3 little area, along with a hotel there as well.

4 Q In terms of Martinsville, or Henry County, is it -- how  
5 would you describe it in terms of car traffic? Foot traffic?

6 A Heavy traffic.

7 **THE COURT:** Any objection to sealing these, given the  
8 nature of them?

9 **MR. RAMASWAMY:** I don't have any objection.

10 **MS. PRYOR:** Thank you.

11 **THE COURT:** I'll order that they be sealed, that is,  
12 Government's Exhibit 1.

13 **BY MR. RAMASWAMY**

14 Q It's Detective Jones; correct?

15 A Sergeant Jones.

16 Q I'm sorry.

17 A No problem.

18 Q Sergeant Jones, I'm going to show what's marked as  
19 Government's Exhibit 2. Do you recognize Government's  
20 Exhibit 2?

21 A Yes, sir.

22 Q In Government's Exhibit 2 is a map, arrows, and some text.  
23 Have you previously reviewed this in relation to the  
24 photographs and file names?

25 A Yes, sir.

1 Q And as it describes in numbered sequence one through five,  
2 does that accurately show, as to the files in Government's  
3 Exhibit 1, the locations where those photographs were taken?

4 A Yes, sir. These are consistent with the photographs.

5 Q Those photographs I mentioned before have a time stamp;  
6 correct?

7 A Correct.

8 Q And for the record, on Government's Exhibit 2, on the  
9 first number there, under No. 1, when do the photographs begin,  
10 as far as the time stamp?

11 A At 12:29 a.m.

12 Q Sergeant Jones, I'm showing you what's marked as  
13 Government's Exhibit 3, and I want you in reference to -- what  
14 does Government's Exhibit 3 show?

15 A This is photographs of the Greene Company from Virginia  
16 Avenue over the bridge, along with the beginning of the walking  
17 trail there for parking, the bike rack, and the little bulletin  
18 board there at the beginning of the trail.

19 Q You mentioned that bike rack and bulletin board. That's  
20 approximately in the center of the large photograph; correct?

21 A Correct.

22 Q And the bike rack is that the green --

23 A Just the little -- right beside the green trash can and  
24 bulletin board.

25 Q Do you see those same -- that bulletin board and bike rack

1 and trash can in Government's Exhibit 1, in those photographs?

2 A Yes.

3 Q And I'll show you what's marked Government's Exhibit 4.

4 Again, another large photograph in the daytime -- taken in the  
5 daytime. Do you recognize that?

6 A Yes, sir. That is the backside of the Greene Company and  
7 their parking lot, along with the Taco Bell old truck --  
8 transfer truck that they have there.

9 Q That says Taco Bell?

10 A Minus a few letters.

11 Q Okay. On the second page of Government's Exhibit 1, is  
12 there are also a Taco Bell truck with the B and final L missing  
13 from Bell?

14 A Correct.

15 Q Is that what you were able to determine was the location  
16 of the photographs shown on the back -- the second page of  
17 Government's Exhibit 1?

18 A Yes, sir.

19 Q I'll show you what's marked Government's Exhibit 4 --  
20 Government's Exhibit 5. Would you tell us what's shown in that  
21 photograph?

22 A That is the intersection for the Commonwealth, Virginia  
23 Avenue, Memorial Boulevard intersection.

24 Q And that's a photograph taken in the daytime; correct?

25 A Correct.

1 Q Now, in relation to Martinsville, Henry County -- well,  
2 strike that.

3 Is that the same intersection that has the Wal-Mart on the  
4 one side and other businesses on the other?

5 A Correct.

6 Q In relation to Martinsville and Henry County, how busy of  
7 an intersection is that? Is it a -- it's in the top?

8 A It's one of our busiest intersections for that area.

9 Q I am going to show you a photograph marked Government's  
10 Exhibit 6.

11 **MR. RAMASWAMY:** And I have no objection if counsel  
12 moves to seal this one as well, Your Honor.

13 **MS. PRYOR:** That would be my request, Your Honor.

14 **THE COURT:** All right. It's granted.

15 **BY MR. RAMASWAMY**

16 Q I have some questions related to Government's Exhibit 6.  
17 What is shown in that exhibit?

18 A This is the grassy section just up from the intersection  
19 behind the gas station. The Wal-Mart intersection is here with  
20 the stoplights. The signs for all the stores down there in the  
21 strip mall just below Wal-Mart is here in the smaller, lower  
22 right-hand corner.

23 Q And you're pointing to the lower right-hand corner of  
24 Government's Exhibit 6. Is there also a yellow sign with a  
25 semicircular top about in the center near the bottom?

1 A Yes, sir.

2 Q What business is that?

3 A That's one of the businesses right here on the main strip.  
4 I think it's a Midas or Monroe, something to that effect, and  
5 then Hill Chiropractic is right there as well.

6 Q Is that a tire store?

7 A Correct.

8 Q And is that visible? Is this intersection visible in  
9 Government's Exhibit 5?

10 A Yes, sir. It's right here.

11 Q And you're pointing to -- in Government's Exhibit 5, on  
12 the right, you're pointing to where there's a Lowe's sign, in  
13 between the Lowe's and the Wal-Mart?

14 A Right. The Hill Chiropractic sign is here just at the  
15 stoplight, the Monroe Muffler shop is here, and the Wal-Mart  
16 intersection is all right there together.

17 **MS. PRYOR:** Your Honor, do you mind if I move closer  
18 just so I can see where they're pointing? I am unable to see  
19 it from here.

20 **THE COURT:** Why don't you hold it up so counsel can  
21 see it.

22 **THE WITNESS:** The Wal-Mart intersection is here where  
23 the blue sign is. We've got the yellow building, which is the  
24 muffler shop, tire shop there, and then just past that one with  
25 this other brick building behind it is the Hill Chiropractic

1 building.

2 **BY MR. RAMASWAMY**

3 Q I have a couple more.

4 Directly -- is Mr. Hill shown in this Government's  
5 Exhibit 6?

6 A He is.

7 Q In the space between his arm, is there a sign visible?

8 A It is.

9 Q Do you see that same sign in Government's Exhibit 5?

10 A Yes, sir.

11 Q What sign is that in Government's Exhibit 5?

12 A It's the Mexican restaurant sign, the El Parral.

13 Q And do you also see behind Mr. Hill in Government's  
14 Exhibit 6 what appears to be a yellow curb?

15 A I do.

16 Q Do you see that yellow curb in Government's Exhibit 5?

17 A I do. That is actually the Stultz Road intersection.

18 Q Can you tell on Government's Exhibit 5 the vantage point  
19 from which Government's Exhibit 6 was taken?

20 A That appears to be the grassy section behind the gas  
21 station, which is Fast Fuels.

22 Q I'm going to give you a pen. If you would mark on there,  
23 if you're able.

24 A Fast Fuels would be up here just out of camera view, and  
25 it would be down here in this corner in Photo 6.

1 Q So you placed a small dot on each photograph, which is the  
2 apparent vantage point on Government's Exhibit 5 from which  
3 this photo was taken; correct?

4 A Correct.

5 Q Do you see anything other than the store lights in  
6 Government's Exhibit 6?

7 A Yes, sir. There appears to be taillights from a vehicle  
8 passing at the intersection.

9 Q And that is on the photograph just to the right of the  
10 Defendant's leg with the black sock?

11 A Correct, which would be roughly two-thirds down the page,  
12 middle of the page.

13 Q In relation to this trail, do you -- strike that.

14 Let me show what's marked as Government's Exhibit 7, and I  
15 ask you to take a moment and look at that.

16 Have you seen that exhibit before?

17 A I have.

18 Q Would you describe what's in the exhibit?

19 A It's a roadmap of the city and locations of where the  
20 photos were originally started and a location of the time of  
21 the original call that we received from dispatch and  
22 approximate arrest location.

23 Q So there's four annotations on here. This 310 Forest  
24 Street, do you know what that is?

25 A That's down where the suspect lived, Mr. Hill.

1 Q And everything -- as far as the photographs, were those  
2 taken where it says photos taken here, 12:29 to 1:20 a.m.?

3 A Correct.

4 Q And I may not have asked you the time that the call came  
5 in to the police, but do you know what time that call came in?

6 A It was 3:12 in the morning.

7 Q And is this -- can you review the place where it says  
8 "arrest"? Is that accurate as to the place to which the  
9 Defendant was arrested?

10 A Yes, sir.

11 Q The distance between where the photographs were taken and  
12 where it shows the 911 call location was made, can you tell  
13 even approximately what distance was that?

14 A It's a couple of miles.

15 **MR. RAMASWAMY:** One moment, please.

16 **THE COURT:** Sure. While you're going through that,  
17 just so counsel has an idea, I can go until about 5:15 today.  
18 So if you think you need to go beyond that, we'll have to make  
19 arrangements.

20 **MR. RAMASWAMY:** I don't anticipate -- thank you, Your  
21 Honor. I am sorry to interrupt. I don't anticipate more than  
22 two other exhibits, and my evidence will be all through this  
23 witness.

24 **THE COURT:** All right.

25

1 **BY MR. RAMASWAMY**

2 Q I'm going to show you a four-page exhibit marked as  
3 Government's Exhibit 8, and I ask that you take a moment and  
4 look at that, please.

5 Sergeant Hill [sic], can you tell -- have you seen  
6 Government's Exhibit 8 before?

7 A I have.

8 Q What is it?

9 A It's the document that was found on the SD card in printed  
10 version that belonged to Mr. Hill that was on the camera when  
11 we did the search warrant.

12 Q So this document was on the same card as the photographs?

13 A Correct.

14 Q And I will show what's been marked as Government's  
15 Exhibit 9. I'll ask that you take a look at that.

16 In your examination of the contents of the camera card,  
17 did you observe the properties for that four-page document I  
18 just showed you?

19 A I did.

20 Q And is this a screenshot of the properties?

21 A It is.

22 Q And under the author, what does it say?

23 A Brian D. Hill.

24 Q Did you ever see anyone else on the trail that night  
25 besides Mr. Hill?

1 A No, that's the only person that I came into contact with.

2 Q Other than September 21, were you -- of last year, were  
3 you aware of other calls in reference to a naked person on that  
4 trail or in that area?

5 A We have had other calls in the city in reference to a  
6 white male running naked with a stocking cap on, which was  
7 consistent with Mr. Hill.

8 Q Did you get similar calls after Mr. Hill was arrested in  
9 this case?

10 A We've had, I know, two other calls for indecent exposure  
11 incidents, but they were both identified as not being Mr. Hill.

12 Q And you mentioned he was -- he was charged with indecent  
13 exposure; correct?

14 A Correct.

15 Q Are you familiar with the Virginia statute?

16 A Yes, sir.

17 Q I will show you what's been marked as Government's  
18 Exhibit 10, and ask that you take a look at that and see if you  
19 recognize that.

20 A Yes, sir.

21 Q What is Government's Exhibit 10?

22 A That is a printout of our state statute for indecent  
23 exposure.

24 Q And that's under your Virginia Code Section 18.2-387;  
25 correct?

1 A Correct.

2 Q That's what Mr. Hill was charged with?

3 A He was charged under our local statute, which mimics this  
4 just for funding purposes.

5 Q There was mention before about a trial. Was that a bench  
6 trial?

7 A Yes, sir.

8 Q So the current matter on appeal was on appeal for jury  
9 trial; correct?

10 A It was slated for a jury trial, yes, sir, it was.

11 Q Do you know when that was set for trial?

12 A It was a couple of weeks ago. It was continued. I'm not  
13 sure of the exact date. I don't have my calendar.

14 **MR. RAMASWAMY:** I have no other questions.

15 **THE COURT:** All right. Are you moving any of these  
16 in?

17 **MR. RAMASWAMY:** I'm sorry. I believe I moved for  
18 Government's Exhibit 1. For the remainder of the exhibits,  
19 we'd asked that they be admitted, and I believe two of them are  
20 under seal, Your Honor.

21 **THE COURT:** Any objection?

22 **MS. PRYOR:** No objections, Your Honor.

23 **THE COURT:** They are admitted, and Exhibit 1 and  
24 Exhibit 5 are under seal.

25 Ms. Pryor, any questions?

1                   **MS. PRYOR:** Yes, Your Honor.

2                                   CROSS-EXAMINATION

3 **BY MS. PRYOR**

4 Q       Can you tell us -- I believe you stated that the call came  
5 in around what time?

6 A       Around 3:12 in the morning.

7 Q       And was that the only call that you received?

8 A       It was.

9 Q       Okay. And at 3:12 in the morning, are any of the places  
10 that's on the map, I believe Taco Bell, the Mexican  
11 restaurants -- are those places open at that time?

12 A       The Greene Company that has the Taco Bell delivery truck  
13 is not open at that point. The Wal-Mart at that intersection  
14 is still open. Other than -- as far as the Mexican restaurant  
15 and the other restaurant right on the corner, they are not.

16 Q       I believe there is a Roses as well on that corner as well?

17 A       Correct.

18 Q       And Lowe's as well?

19 A       Yes.

20 Q       And are those open at that time in the morning?

21 A       No, ma'am.

22 Q       And when you did proceed to arrest my client at that time,  
23 how many people were around at that time?

24 A       It was me and him when he was placed in handcuffs in the  
25 woods. Another officer was coming down to us but had not made

1 it to us at that point.

2 Q Was there anyone on the trail at that time?

3 A I did not make any contact with anybody else at that time.

4 Q And you said what when you approached him? He was -- that  
5 he did -- he did lead you on a pursuit?

6 A Correct.

7 Q Do you recall about how long that pursuit was?

8 A It wasn't far. He made it to the bottom of the hill  
9 through the vines and brush and, like I said, jumped over a log  
10 into the creek out of my sight, which I was trying to give him  
11 commands to show me his hands at that point.

12 Q And you didn't see anyone when you were on that pursuit?

13 A No.

14 Q At the time -- these photos are clearly taken during the  
15 daytime with many cars, of course, on this, but at 3:12 a.m.  
16 when you were traveling, based on that call, did you see --  
17 about approximately how many cars was on the road at that time?

18 A This was not at -- when he was taken into custody, it was  
19 not at that intersection. It was farther up the trail towards  
20 the other side of the city.

21 Q Okay. So farther up the trail -- are there any  
22 restaurants farther up that trail?

23 A That actually comes out to another intersection where  
24 there's restaurants, some other businesses, and stuff like  
25 that. Those were not open during this particular time. It

1 proceeds up past the access for the hospital and continues on  
2 out to the Public Safety building, which is -- somebody's  
3 staffing that 24 hours a day.

4 Q Okay. And you said that the caller, based on the diagram  
5 on -- I believe that's Government's Exhibit No. 7. The caller  
6 that called in at 3:12 a.m., that was near I believe -- that  
7 looks like a Burger King; is that correct?

8 A Correct. Right there at that intersection for the Burger  
9 King is a 24-hour laundromat and just around -- if you take a  
10 right from there, you are in sight of the CVS that's open 24  
11 hours a day.

12 Q And that's not pictured here on Exhibit No. 5; correct?

13 A No.

14 Q And when you approached -- or when you did ask him to  
15 stop, did you have on your uniform at the time?

16 A I did.

17 Q And did you tell him that you were police at the time?

18 A I do not recall if I actually said I was police or not  
19 when I told him to stop; at which point, he went straight into  
20 the woods, and I began chasing him.

21 Q And once you did arrest him, you said that he had a  
22 flashlight and a book bag, and I believe you said one other  
23 item?

24 A There was a backpack on him. He had a large flashlight,  
25 like a square battery one, in his hand, and he also dropped a

1 small black flashlight while running.

2 Q And you were able to recover all of those things?

3 A We did.

4 Q Did he voluntarily provide you with his camera as well?

5 A He did. When he was explaining the situation, his first  
6 story as to what had -- the reason why he was out there that  
7 late, he gave us permission to look at -- one of the officers  
8 to look at the photos, and that's how we came about those.

9 Q Okay. And one of the things that he said at the time is  
10 that there was a male that was in a hoodie, that he was told  
11 that he had to take those pictures?

12 A Correct.

13 Q And did he tell you any other information about the male  
14 in the hoodie?

15 A He proceeded to explain to me that during this time frame,  
16 during questioning him and trying to get some more information  
17 about that -- he provided more information as to that male  
18 subject with the hoodie was working for the people that were --  
19 that had originally been in his original charges.

20 Q Okay. And did you investigate whether he -- whether there  
21 was some threat to his family or anything?

22 A Talking with him, the time frame didn't really add up to  
23 me at that point. We made contact with his -- tried to make  
24 contact with his mother that night. I don't know if anybody  
25 actually spoke to her. I don't recall.

1 Q Okay. But as part of your investigation, have you been  
2 able to find out whether there were some threatening matters  
3 that was sent to him or his family?

4 A I have not heard anything of that, no.

5 Q But do you -- but you didn't do the investigation?

6 A No.

7 Q Did Mr. Hill -- when you approached him, did he tell you  
8 that he had autism?

9 A He did.

10 Q And do you guys -- does your -- I would say does your --  
11 does the department train you on how to approach someone with  
12 autism?

13 A We deal with some academy-wise and not much follow-up  
14 after that.

15 Q Did he also tell you that he was a diabetic as well?

16 A I do not recall him telling me that, no.

17 Q Did he tell you that he was also OCD?

18 A Not that I recall.

19 Q And when you took him to the hospital, did they admit him  
20 into the hospital that night?

21 A No, they cleared him medically and psychologically and  
22 released him to us.

23 Q Okay. Did you get those reports from -- the medical  
24 reports?

25 A No, I did not do a subpoena for his hospital records.

1 Q Okay. Did you speak to a doctor or anyone regarding his  
2 condition or anything of that nature that night?

3 A We -- other than just checking with him to see if they  
4 were going to be releasing him or admitting him, no.

5 Q Do you recall any tests that were taken that night besides  
6 just checking, I believe you said, his knee?

7 A No, ma'am. Like I said, when we -- we also checked him  
8 for mental health issues is the reason why they cleared him  
9 psychologically, to make sure there was nothing going on there.  
10 Once they do that, they do lab work and other stuff. I didn't  
11 ask about his medical history.

12 Q Was there any tests dealing with his blood alcohol content  
13 or anything of that nature?

14 A I don't know if they did. Like I said, I did not get his  
15 records. They normally do, but I do not have that.

16 **MS. PRYOR:** No further questions, Your Honor.

17 **THE COURT:** Any redirect?

18 **MR. RAMASWAMY:** Briefly, Your Honor.

19 REDIRECT EXAMINATION

20 **BY MR. RAMASWAMY**

21 Q Counsel asked you about certain businesses and whether or  
22 not they were open in this time frame. Are there residences  
23 along this trail?

24 A It is.

25 Q Were there residences close to the trail?

1 A There are.

2 Q Are there residences where there's no obstruction between  
3 the residence and the trail?

4 A Yes, sir.

5 Q And this did, in fact, come in on a call of a report of a  
6 naked man; correct?

7 A Correct.

8 **MR. RAMASWAMY:** No other questions.

9 **MS. PRYOR:** I just have a follow-up on that.

10 **THE COURT:** All right.

11 **RE CROSS-EXAMINATION**

12 **BY MS. PRYOR**

13 Q Were any pictures taken in front of any houses?

14 A Not on the camera that I saw, no.

15 Q And the residences that he mentioned, are those residences  
16 behind trees on the trail?

17 A There's some that back up to it that you can see the trail  
18 from, along with -- the original call that came in, the trail  
19 actually runs right up the side of the road where the original  
20 call came in.

21 Q And did that call come in from a resident?

22 A No, it was a passerby in a car.

23 **MS. PRYOR:** Thank you. No further question.

24 **THE COURT:** What time did you say you were on the  
25 scene there the first time?



1 A Yes, sir, I have supervised him Mr. Hill since about  
2 July 1, 2015.

3 Q Okay. And as long as you have been supervising Mr. Hill,  
4 has he had any infractions besides the one that we are  
5 presently here for today?

6 A The only one was when shortly after he was released from a  
7 prior revocation hearing, for which he was not revoked, he was  
8 referred to sex offender specific treatment. After a short  
9 time of enrollment, the counselor advised that he was not  
10 amenable to treatment and recommended that he be terminated. I  
11 advised the probation office in this district, who had, in  
12 turn, advised the Court, and the determination was made that if  
13 he was otherwise stable with no other concerns or issues, we  
14 could just continue with supervision.

15 Q Okay. And so he continued on supervision.

16 Did he have the occasion to attend any mental health  
17 treatment?

18 A He saw a private counselor named Preston Page that was  
19 paid for by his Medicaid, I do believe. He maintained contact  
20 with Mr. Page, and I would check with Mr. Page occasionally to  
21 see how things are going.

22 Q Are you aware that Mr. Hill is diagnosed with autism?

23 A I am aware, yes.

24 Q And with your reaction and your interaction with him, have  
25 you found -- have you found to determine that you do see some

1 level of weaknesses when it comes to -- when it comes to your  
2 communication with him?

3 A Sometimes it can be difficult to communicate with  
4 Mr. Hill. So I have on many occasions -- he resides with his  
5 mother, and I have spoken with Roberta, is his mother's name,  
6 to see how things are going. And Mr. Hill has always been  
7 respectful. It is hard to communicate with him on --  
8 sometimes, but I will speak with his mother, and I have spoken  
9 with his grandparents on occasion as well.

10 Q Okay. And when you've talked to Mr. Hill, I think you  
11 stated it, has he been respectful with you?

12 A He has.

13 Q And did Mr. Hill tell you -- did you get an opportunity to  
14 speak to him about this particular violation hearing?

15 A In what regard?

16 Q Just has he talked to you about what happened or anything,  
17 that he spoke to the police officers and that nature?

18 A When he was incarcerated, he had submitted some letters.  
19 We have not spoken face to face or on the telephone regarding a  
20 violation.

21 Q And other than this violation that we're here today,  
22 Mr. Hill, to your recollection, has been in compliance with all  
23 of the conditions of his release?

24 A He's been in compliance since I have supervised him until  
25 his arrest.

1 Q Okay. Did you --

2 MS. PRYOR: Can I have one moment, Your Honor?

3 THE COURT: Yes.

4 (Pause in the proceedings.)

5 BY MS. PRYOR

6 Q Do you recall what date he was arrested for these matters?

7 A September 21, 2018.

8 Q Okay. And do you recall what date the federal -- that the  
9 federal Government -- or, let me say, the probation office  
10 filed their violation?

11 A I'm not aware of the exact date that the petition in North  
12 Carolina -- this district was filed, but I notified the  
13 probation office, and they proceeded to request the violation  
14 warrant. I'm not exactly sure of the date.

15 Q Okay. And do you recall whether Mr. Hill, once he was --  
16 once he was found guilty in Martinsville, did the Federal  
17 Government have a hold on his -- on his detainer?

18 A That is correct, because he was brought into magistrate  
19 court in Roanoke for his initial appearance on the violation  
20 proceedings.

21 Q Okay. And can you tell the Court what happened at the  
22 particular proceeding? Did you attend that proceeding?

23 A Yes, ma'am, I did.

24 Q First, did you attend that proceeding?

25 A Yes, ma'am, I was there.

1 Q And can you tell the Court what the judge recommended  
2 based on that proceeding that day?

3 A This took place on December 26, 2018. Magistrate Judge  
4 Ballou ordered that he be sent to Butner for a psychological  
5 evaluation.

6 Q And how many days was he supposed to be at that -- or go  
7 through that process?

8 A He was not returned to court until May 14th of this year,  
9 2019.

10 Q Okay. After he returned May 14th of this year, was he  
11 released at that time?

12 A Yes, ma'am, he was.

13 Q Okay. And he was released back home?

14 A Yes, to the home that he shares with his mother.

15 Q And did that Court find that he was not a flight risk at  
16 the time?

17 A Yes.

18 Q And since he's been home, I believe you said May 14, 2019,  
19 has he been in violation of that particular conditions of that  
20 release?

21 A No, ma'am.

22 Q Okay. And based on that release, that was -- based on  
23 that release on May 14, 2001 [sic], have you had a chance to  
24 visit him at home?

25 A Yes, monthly.

1           **MS. PRYOR:** No further questions, Your Honor.

2           **THE COURT:** Any cross?

3                           CROSS-EXAMINATION

4   **BY MR. RAMASWAMY**

5   Q     You mentioned previously that Mr. Hill's sex offender  
6   treatment or counseling was terminated because he was found not  
7   to be amenable to treatment; correct?

8   A     Yes, sir.

9   Q     Do you know what the nature of that was?

10   A    Yes, I do. Dr. Keith Fender of Radford Counseling advised  
11   that in group treatment Mr. Hill was not accepting  
12   responsibility for his underlining charge -- or conviction,  
13   rather, and that that would be a detriment to the group, and  
14   they determined that he should be removed from group, because  
15   part of that is that you accept responsibility and you work  
16   through what they call a workbook, which is a quite lengthy  
17   piece of material. So it was determined to remove Mr. Hill  
18   from the group.

19   Q     And counsel asked you if you had spoke to Mr. Hill about  
20   this incident. Did Mr. Hill admit the conduct in this  
21   violation, the conduct of this hearing?

22   A     We did not -- we have not spoken face to face. I have not  
23   asked him whether he committed the offense. He had written  
24   letters when he was in prison discussing the story that we  
25   heard previously about the individual asking him to take the

1 pictures.

2 Q Let me ask you -- I believe it's Government's Exhibit 8  
3 was the monthly supervision report for the month of  
4 August 2018.

5 A Yes, sir.

6 Q Have you -- did you previously see that exhibit?

7 A Yes, I have previously seen the exhibit.

8 Q Had you seen it before today?

9 A It is a copy of our monthly supervision report, which we  
10 receive timely every month from Mr. Hill, and it was  
11 representative of one that he sends me every month.

12 Q As far as being a registered sex offender and the  
13 conditions of his supervision, would that prevent him from  
14 going to parks and places where children congregate?

15 A I would have to review his conditions of supervision, but  
16 our standing order in the Western District of Virginia would  
17 require permission for someone to go to places that are  
18 primarily used by children.

19 Q Did Mr. Hill ever seek such permission in relation to the  
20 Dick and Willie Passage?

21 A In the past, he has asked for permission during the  
22 daytime hours to go on the trail to take pictures of wildlife  
23 and nature.

24 Q Now, the probation office's recommendation in this case is  
25 revocation; correct?

1 A That's correct.

2 Q Has that changed, to your knowledge, since the time the  
3 report has come up?

4 A To my knowledge, it has not.

5 **MR. RAMASWAMY:** No other questions.

6 **THE COURT:** Any redirect?

7 **MS. PRYOR:** Yes, just one.

8 REDIRECT EXAMINATION

9 **BY MS. PRYOR**

10 Q Did -- we've mentioned about the sexual offense program.  
11 Was there a workbook that was provided to Mr. Hill?

12 A To my knowledge, there was, and he completed it very  
13 quickly, which the workbook, as it's been explained to me, it  
14 takes quite some time to complete. There are numerous phases  
15 that you must go through, and it's not something that can be  
16 completed without presenting the material to the group and  
17 receiving feedback. It's not something that can be completed  
18 in a couple of weeks or even a month.

19 Q Okay. And every time that Mr. Hill has went out, Mr. Hill  
20 does inform you that he is traveling, or any of that nature;  
21 correct?

22 A Yes, ma'am.

23 **MS. PRYOR:** Thank you. No further questions, Your  
24 Honor.

25 **THE COURT:** You may step down, sir.

1 (At 4:37 p.m., witness excused.)

2 **THE COURT:** Any other evidence for the Defendant?

3 **MS. PRYOR:** Yes, Your Honor.

4 **THE COURT:** All right.

5 **MS. PRYOR:** I call Ms. Roberta Hill, Your Honor.

6 **ROBERTA HILL,** DEFENDANT'S WITNESS, being first duly sworn,  
7 testified as follows at 4:37 p.m.:

8 DIRECT EXAMINATION

9 **BY MS. PRYOR**

10 Q Can you tell us your name for the record.

11 A Roberta Ruth Hill.

12 Q And what is your relationship with Mr. Brian Hill?

13 A I'm his mother.

14 Q Okay. And where does Mr. Hill stay in comparison to where  
15 you stay?

16 A In the apartment below my apartment at 310 Forest Street,  
17 Apartment 2.

18 Q And so is this a type of duplex type of home?

19 A Yeah, it is.

20 Q Okay. And so do you work during the daytime?

21 A No. I'm at home, and I can check on him any time during  
22 the day and night.

23 Q Okay. And so at one time, you guys were having some  
24 issues in the same home that Mr. Hill lives in dealing with the  
25 chimney; correct?

1 A Yes. There was damage in his apartment with water damage  
2 on his wall and ceiling in his living room.

3 Q Did you call someone to get that fixed?

4 A Yeah, I did.

5 Q Do you recall what the name of that company was that you  
6 called to get that fixed?

7 A No, I can't recall the name of the company.

8 Q Do you recall how much you paid for getting it fixed,  
9 getting the chimney fixed?

10 A They put -- he found out that it had been -- are you  
11 talking about the first time before --

12 Q Yes, I'm talking about the first time that you got your  
13 home --

14 A Yeah, that was \$300 to get it fixed. I was trying to keep  
15 birds from going into the chimney.

16 Q Okay. And so you had a professional come out to get that  
17 fixed?

18 A Yes.

19 Q And was there an occasion that you had that same  
20 professional come back out to review it because of some issues  
21 that you stated?

22 A Yeah, there was another fireplace company that came out to  
23 take a look at it in January 30 of 2019.

24 Q Okay. And when they came out to fix it, did they tell you  
25 of anything that might have been happening in the home at the

1 time?

2 A Yeah, he said that he found out that all three flues of  
3 the chimney had been completely sealed off, and that means that  
4 my furnace and hot water heater was venting out through our  
5 apartments into -- he said that we would have had carbon  
6 monoxide coming into our apartments.

7 Q Okay. And do you recall what date that you had that  
8 particular professional come out and say that?

9 A January 30, 2019.

10 Q Okay. And Mr. Hill was -- and you do recall that Mr. Hill  
11 was arrested for indecent exposure in Martinsville, Virginia?

12 A Yes.

13 Q Okay. And do you recall what that date was?

14 A September 21, 2018.

15 Q Okay. Did Mr. Hill -- and do you recall Mr. Hill having a  
16 trial in Martinsville, Virginia?

17 A Uh-huh.

18 Q And were you present for that trial?

19 A Not the first trial. I was present for the trial in  
20 December, December 21, I think.

21 Q Okay. Did he get a chance to come home?

22 A No, he did not.

23 Q Okay. And do you recall the first time that Mr. Hill got  
24 a chance to come home after that particular -- after the first  
25 time he was arrested?

1 A He came home on May 14, 2019.

2 Q Okay. And did Mr. Hill -- do you recall if Mr. Hill went  
3 to the doctor any time in between that time?

4 A Yeah, he fell down one night. I guess he passed out and  
5 hit his head on a desk in his office and managed to somehow get  
6 back to his bedroom and fall asleep and whenever -- I set my  
7 alarm at 4:30 in the morning to check on him, check his blood  
8 sugar. I went down there. I saw all the blood on the pillow  
9 and realized something had happened, checked his blood sugar,  
10 treated an insulin reaction, and then I called 911 because I  
11 didn't know what had happened to him, and I saw that there was  
12 a gash above his eye. So the paramedics came out. They  
13 recommended for him to go to the hospital. He refused to go in  
14 the ambulance. So it took four hours for him to go through his  
15 OCD routines before I could get him to the emergency room.

16 Q Do you recall when that occurred, about the date when that  
17 occurred?

18 A That was during the winter, right after I first got the  
19 chimney fixed to keep birds from going into the chimney. It  
20 happened right after that.

21 Q Okay. And you stated that it took about four hours for  
22 you to get him to the hospital. I believe you mentioned OCD?

23 A Yeah, he has obsessive-compulsive disorder, and he does  
24 lengthy hand-washing routines and shower routines.

25 Q Okay. And how long has he been doing that?

1 A He's been doing that since he was in 6th grade.

2 Q Okay. And is Mr. -- has Mr. Hill been diagnosed with  
3 autism?

4 A Yes.

5 Q When was he diagnosed with autism?

6 A When he was four years old, he was diagnosed by Teacch in  
7 Greensboro.

8 Q And does he have -- and based on him being diagnosed with  
9 autism, do you have difficulty communicating with him?

10 A Yeah.

11 Q And what do you -- tell the -- can you tell the Court what  
12 that means for you and your family?

13 A Yeah, communication problems. Sometimes when I try to  
14 explain something to him, he doesn't quite understand what I'm  
15 saying, or he's unable to see my perspective, and sometimes he  
16 will get a little upset about it, which isn't unusual for  
17 people with autism. So I have to further explain things, or I  
18 have to be quiet and let him cool down --

19 Q Okay.

20 A -- before I can talk to him.

21 Q Does he get treatment for autism?

22 A No. There really -- when he was a kid, he was put on two  
23 or three different medications that never really helped him.  
24 So we had -- Teacch was coming out to help a little bit with  
25 the school, but other than that --

1 Q Does he get any treatment now for any mental health or  
2 autism now?

3 A No, not for the autism. He is going to a counselor.

4 Q Okay. And what does he go to the counselor for?

5 A He goes to Piedmont Counseling a couple times a month  
6 because that's what they wanted -- a condition of his bond.

7 Q And does he -- is he taking any medication at this time?

8 A Yeah, he's taking a medication to help with the OCD and  
9 anxiety. I think it's called Zoloft. I'm not sure.

10 Q Okay. That's okay.

11 And as far as -- you mentioned carbon monoxide. Is he  
12 taking any -- do you recall if he took any medication for the  
13 carbon monoxide treatment?

14 A No, no, he didn't. We didn't know until four months after  
15 he was arrested that we had carbon monoxide in our home.

16 Q Okay. And once you found out that you had carbon monoxide  
17 in your home, have that been treated in your home at this time?

18 A Yeah, we got it fixed. He unplugged the flue that went to  
19 the heater and the hot water heater, and he put a chimney cap  
20 on the top. So we don't have any more problems with that.  
21 And, plus, we got two carbon monoxide detectors in my apartment  
22 and in his apartment.

23 Q Okay.

24 **MS. PRYOR:** I have no further questions, Your Honor.

25 **THE COURT:** Any examination from the Government?

1                   **MR. RAMASWAMY:** Yes, Your Honor.

2                                   CROSS-EXAMINATION

3 **BY MR. RAMASWAMY**

4 Q     Ms. Hill, you're pretty familiar with your son's case;  
5 correct?

6 A     Yes.

7 Q     He files things pretty frequently with the court?

8 A     Yes.

9 Q     Do you assist him with that?

10 A    No. That's his -- I'm not even into legal stuff. He's  
11 the one that works the legal information, other than I might  
12 look up information for him.

13 Q    You're saying you don't read what he files?

14 A    Sometimes, not all the time because sometimes he's  
15 impulsive, and he does it in the middle of night when I'm  
16 sleeping, so, no.

17 Q    Well, if he's filing things in the middle of the night,  
18 does he have Internet access?

19 A    No, he does not. He faxes.

20 Q    He faxes them?

21 A    Uh-huh.

22 Q    Some of these things are -- they're filed online, though,  
23 aren't they?

24 A    No.

25 Q    Are you familiar with his story that someone forced him to

1 take these pictures?

2 A Yes, I am.

3 Q That's a story that he repeated for some time, wasn't it?

4 A Yes.

5 Q And it's also in documents that he filed with the court,  
6 isn't it?

7 A Yes.

8 Q And at some other time, we have his story that carbon  
9 monoxide was to blame; correct?

10 A Right.

11 Q Does that coincide about when Mr. Hill found out there was  
12 a probation report on the same memory card?

13 A I don't know.

14 Q You live in the same house with Mr. Hill; correct?

15 A I'm in the apartment above his apartment.

16 Q It's a house?

17 A Yes, connected.

18 Q Yes. You live in the same house with Mr. Hill; correct?

19 A Yes.

20 Q And you claim -- or you're stating there was some type of  
21 carbon monoxide problem for which you're trying to relate  
22 Mr. Hill's conduct on September 21, 2018; right?

23 A Right. I saw some things with his behavior prior to that  
24 time, that I didn't know what was going on, but I thought that  
25 he was acting oddly. But, also, I was being exposed, too, and

1 I had some problems that I was dealing with, and I didn't  
2 understand what was going on.

3 Q So this wasn't fixed until, I believe you said,  
4 January 30, 2019; correct?

5 A That's whenever it was inspected and we found out about  
6 the problem, and he removed the tin, yes.

7 Q So from September 21, 2018, to January 30, 2019, if you  
8 had such a problem, nothing was done to fix it; right?

9 A Right.

10 **MR. RAMASWAMY:** No other questions.

11 **MS. PRYOR:** Just a follow-up.

12 REDIRECT EXAMINATION

13 **BY MS. PRYOR**

14 Q So from September of 21, 2019 -- I mean, 2018, to, I  
15 believe you said, January of 30 of 2019, did you see some  
16 problems in your home that was happening?

17 A Yeah. The water damage in my son's apartment got  
18 increasingly worse. The ceiling started falling down. I  
19 didn't know what was going on because my apartment is right  
20 above his, and I wasn't getting any water damage. So I thought  
21 initially it has to be the foundation. So I called the  
22 foundation place, and they could only come three months later.  
23 So I waited for that, and they said it's not the foundation.  
24 They thought maybe it's the chimney or the roof. I got a  
25 roofing company in. They recommended putting a chimney cricket

1 in front of the chimney. They thought that would stop it. So  
2 I got that done. That didn't stop it. So then I called a  
3 fireplace expert out to take a look at it, and he found out  
4 that it had been sealed up.

5 Q And also -- you mentioned that there was also some things  
6 that were affecting Mr. Hill during that time that you couldn't  
7 figure out. Can you describe some of those things for the  
8 Court?

9 A He was saying that he couldn't think, he couldn't focus,  
10 and he was extremely tired. I also was extremely tired, and I  
11 didn't know why. I was complaining to my parents. So both of  
12 us were complaining about things like not being able to think  
13 clearly.

14 Q Okay.

15 **MS. PRYOR:** No further questions, Your Honor.

16 **MR. RAMASWAMY:** One follow-up.

17 **REXCROSS-EXAMINATION**

18 **BY MR. RAMASWAMY**

19 Q Would those things happen more often when you were inside  
20 the home with the carbon monoxide?

21 A Yes.

22 Q You've heard the testimony about the conduct; correct?

23 A Yes.

24 Q That happened outside, didn't it?

25 A Yes, but, I mean, I was always tired for that period of

1 time. So, I mean -- and my son was constantly complaining  
2 about not being able to think. I can't really say that that  
3 was inside the house or outside the house. It was just  
4 continually during that time span that we were having problems.

5 Q As a matter of fact, the testimony showed, based on the  
6 camera card time, he was outside for several hours on  
7 September 21, doesn't it?

8 A Yeah.

9 Q That's not consistent with inhaling carbon monoxide, is  
10 it?

11 A Well, from what I've read online, it can cause a lot of  
12 different problems. That can -- it could affect your  
13 neurological system. I also was having a lot of head shaking  
14 going on. My parents noticed that. So it can affect  
15 neurological problems in the body.

16 **MR. RAMASWAMY:** No other questions.

17 **THE COURT:** All right. You may step down.

18 (At 4:51 p.m., witness excused.)

19 **MS. PRYOR:** No further evidence, Your Honor.

20 **THE COURT:** Since the Government's got the burden  
21 here, I would be happy to hear from the Government.

22 **MR. RAMASWAMY:** Your Honor, in this case, the  
23 violation is the Defendant committed the criminal violation of  
24 the Virginia Code for indecent exposure. I have given the  
25 Court the statute, but, here, if it had only been the phone

1 call and the arrest, that's one thing, but we have a series of  
2 photographs which are just plainly inexplicable.

3 As to the violation itself --

4 **THE COURT:** Let me ask a question about the  
5 photographs. They are taken from a distance. How does  
6 somebody take a photograph from a distance like that?

7 **MR. RAMASWAMY:** I would ask the Court to note a  
8 couple of things. One is the officer's testimony about  
9 flashlights. He had two flashlights. And, second, in the  
10 vantage point of the photographs themselves, note the proximity  
11 of the ground, and it would be our contention the camera is  
12 simply set on the ground and a timer is used. As a matter of  
13 fact, some of them appear to be retakes. Where Government's  
14 Exhibit 1, for instance, the top right photo, sanyo096, is too  
15 dark, the next photograph in sequence sanyo097 is well lit. In  
16 effect, it supports the inference that he repositioned the  
17 lights in order to more clearly take the photographs.

18 There's no one else depicted in these photographs.  
19 In every one of them, they appear to be taken with the camera  
20 set on the ground.

21 **THE COURT:** All right.

22 **MR. RAMASWAMY:** In this case, as to the conduct  
23 itself -- I'm not at this point addressing anything else -- two  
24 things. His initial story is clearly impossible, that someone  
25 gave him a camera and told him to take these pictures under

1 threat of his family, the fact that his violation -- his report  
2 to his probation officer is found on the same memory card with  
3 him being shown as the author, the conduct for a registered sex  
4 offender convicted of child pornography offenses to be naked,  
5 not just exposing himself -- this would be a different matter  
6 if Mr. Hill had simply been walking and chose to relieve  
7 himself and could have technically violated the statute, but  
8 Mr. Hill was wearing socks, sandals, and a hat, and that's all.

9           As shown on Government's Exhibit 7, the map with the  
10 annotations, the photographs are taken some distance away, not  
11 only from his residence, but where he was observed and reported  
12 to the police naked and where he's arrested, that the duration  
13 of the conduct, the nature of the conduct, photographing the  
14 conduct for whatever reason all support the violation. We  
15 would ask that he be found in violation.

16           **THE COURT:** All right.

17           Ms. Pryor?

18           **MS. PRYOR:** Thank you, Your Honor.

19           Your Honor, we, of course, would ask that he does not  
20 be found in violation, Your Honor. As you've had the  
21 opportunity to hear, Your Honor, the statute does indeed state  
22 that every person who intentionally makes an obscene display or  
23 exposure of his person shall be found guilty of a Class 1  
24 misdemeanor.

25           Your Honor, I believe that we presented evidence here

1 today that would discredit the intent of the party, or the  
2 intent of Mr. Hill. One of the elements that we are faced here  
3 with is the intent element here. Your Honor, I believe that  
4 the Government, one, has not provided the intent and, two, that  
5 this Court has the opportunity to determine the facts that were  
6 presented today to determine whether the intention of the party  
7 was to make an obscene display or expose himself -- exposure of  
8 himself.

9           Your Honor, you had the opportunity to hear from his  
10 mother, who stated that at the time of this incident that there  
11 has been evidence that there was some carbon monoxide that had  
12 been displayed in their home, and based on that, Your Honor,  
13 she went further to state that in her research, Your Honor,  
14 when it comes to carbon monoxide, that based on that research,  
15 that it does causes some level of delusion, some level of --  
16 they even talked about -- she even discussed possibly that they  
17 were beginning to have some headaches, that there were some  
18 things that --

19           **THE COURT:** How do I rely on that in this hearing?  
20 That's hearsay, and it's --

21           **MS. PRYOR:** It is hearsay.

22           **THE COURT:** I mean, it's not -- it's scientific  
23 evidence, and there's no indication she's qualified to -- I  
24 don't even know what her source was, whether it was Wikipedia  
25 or what have you. So I am concerned about whether there's

1 enough scientific foundation for any conclusions about the  
2 effect of carbon monoxide.

3           **MS. PRYOR:** Your Honor, we do understand that, Your  
4 Honor, but the factual part of what she did state was the  
5 things that affected her, Your Honor, and the things that she  
6 did, who has been his caretaker -- the things she saw affect  
7 him.

8           So, Your Honor, we would state that there was some  
9 level of affect that was going on that can be determined just  
10 to Mr. Hill presently, Your Honor, that would show some level,  
11 and then to actually have the evidence that there was some  
12 carbon monoxide and to begin to start the process of fixing it.

13           So, Your Honor, we would state that Mr. Hill, based  
14 even on this -- based on this statute, that the intent factor  
15 has not been met here today, Your Honor, and that he should not  
16 be found in violation of his release conditions, Your Honor.

17           **THE COURT:** Okay. I am going to find that the  
18 preponderance of the evidence demonstrates that Mr. Hill did  
19 violate the condition of release by violating the Virginia Code  
20 18.2-387. As the officer testified, it's actually the local  
21 version, but it's apparently the same statute, and that's what  
22 he's charged with in that he did intentionally expose himself  
23 and make an intentional either obscene display and actually  
24 exposure -- intentional exposure of his person. The  
25 photographs are evidence of that.

1           He's also seen, by the officer's independent  
2 testimony, to have been naked at the time and was running  
3 around the neighborhood. So I credit the testimony of Sergeant  
4 Jones and find him to be credible and that about September 21,  
5 2018, that the Defendant was naked and running around  
6 Martinsville, Virginia, taking pictures, which are indicated in  
7 the Government's exhibits.

8           As to the testimony about intent -- or the argument  
9 about intent, the evidence on a preponderance basis  
10 demonstrates that Mr. Hill intended to do this. The story  
11 about him being forced to do this by another individual finds  
12 no support in the record. It's also inconsistent with some of  
13 the information that's testified to by Sergeant Jones, who -- I  
14 went back and was just checking his testimony, who did say that  
15 the other individual, the male, asked him to -- or demanded he  
16 take pictures. There's no testimony by anybody that there was  
17 any kind of threat like that made, and the camera that  
18 allegedly was given to Mr. Hill to take these photos, it  
19 strikes me as virtually impossible that it would contain a copy  
20 of the Defendant's own court records. So that's inconsistent  
21 with that story as well.

22           So I'm going to find the preponderance of the  
23 evidence demonstrates the Defendant violated Virginia law by  
24 indecently exposing himself at the time alleged. So I'm going  
25 to find as well that the violation was willful and without

1 lawful excuse.

2 He originally was convicted of a Class C felony.  
3 He's a Criminal History Category I. This is a Class C  
4 violation. The guidelines provide a 3- to 9-month advisory  
5 imprisonment range. The most that can be imposed on him is 24  
6 months.

7 As to supervised release, the original term of  
8 supervised release available under the statute is, I believe, 5  
9 years to life. He had had 10 years of supervised release  
10 imposed by Judge Osteen, but the term that's available could be  
11 5 years to life under the statute.

12 I will say it would be my intention to work off the  
13 10 years and work -- and consider nothing more than the 10  
14 years that Judge Osteen -- that's the maximum that I would  
15 consider for supervision. Does that make that clear?

16 **MS. PRYOR:** Thank you, Your Honor.

17 **THE COURT:** That would be my intention, but I would  
18 be glad to hear from you all as to that.

19 So do you agree or disagree that those are the proper  
20 guidelines?

21 **MS. PRYOR:** That was the proper guidelines, Your  
22 Honor.

23 **THE COURT:** Mr. Ramaswamy?

24 **MR. RAMASWAMY:** Yes, Your Honor.

25 **THE COURT:** So I've got about 10 minutes, and we can

1 continue this, if we need to, in the morning or on another  
2 date. I would be happy to hear from you as to an appropriate  
3 disposition in this case.

4 **MS. PRYOR:** Thank you so much, Your Honor.

5 Your Honor, today we are asking Your Honor -- I would  
6 note, and I think you heard on testimony as well, that Mr. Hill  
7 was on a federal detainer. I believe it began on December --  
8 we tried to come to a date about, but I believe it was around  
9 December 21 of 2018, and he was held into custody until May 14  
10 of '19. So, Your Honor, that's give or take about 6 months  
11 already.

12 This violation, as you note from the guidelines, Your  
13 Honor, is a -- falls within that period of time, Your Honor. I  
14 believe 6 months is, I believe, in the revocation that they  
15 were asking for. It was around the middle, which would put us  
16 right at that 6-month period.

17 Your Honor, we would ask that you would give him  
18 credit for time served for that particular time, to continue  
19 him on supervised probation that you've -- I mean, I'm sorry,  
20 supervised release, Your Honor, pending that, but, Your Honor,  
21 I do believe that he has served and he was -- as we can recall,  
22 he was on that detainer, Your Honor. He could not leave, of  
23 course, or if he even -- with the bond. So we can conclude  
24 that he definitely was on a federal detainer at that time. He  
25 did get released on conditions from the Virginia -- from

1 Virginia, and so that would also conclude that he did have that  
2 time and it was through the Federal Government.

3 **THE COURT:** Will the Bureau of Prisons give him  
4 credit for the time that he was sent to Butner as time-served  
5 credit or not?

6 **MS. PRYOR:** I'm not sure, Your Honor. I actually  
7 called the Bureau of Prisons before so I could know that  
8 answer. That was actually my question as well. Your Honor,  
9 I'm not sure how that process works, and I was waiting on  
10 someone to call me back from the Bureau of Prisons. And I  
11 believe the attorney was supposed to call me back in order to  
12 conclude that or give us an estimation of whether the Bureau  
13 does consider time when you're determining competency, whether  
14 that time is conclusive or does it even give them credit for  
15 that when it comes to a sentencing term.

16 So, Your Honor, I don't have that answer. I would  
17 like to, of course, get that answer, Your Honor, because as I'm  
18 standing here asking for you to use it as credit, I can't  
19 factually or be able to --

20 **THE COURT:** I understand.

21 **MS. PRYOR:** Okay. Thank you.

22 **THE COURT:** Anything further?

23 **MS. PRYOR:** So, Your Honor, I would ask -- of course,  
24 that is the sentence that they have requested, but, Your Honor,  
25 we would ask the Court for the bottom of the guidelines, Your

1 Honor.

2 I would remind the Court that he does have autism. I  
3 remind the Court that he has OCD. I remind the Court that he  
4 does have some debilitating health issues that he does have  
5 that deals with his diabetes.

6 Your Honor, Mr. Hill in custody or in prison is very  
7 destruction to him as a person, who does see things and  
8 perceive things, of course, differently than we do as being on  
9 the autism spectrum.

10 **THE COURT:** Is he still in custody now?

11 **MS. PRYOR:** He is not in custody now.

12 **THE COURT:** He was released May 14?

13 **MS. PRYOR:** He was, Your Honor.

14 **THE COURT:** From Butner?

15 **MS. PRYOR:** No, he was released from court, Your  
16 Honor. He actually got out of Butner I believe it was around  
17 February, and then he was -- then he went back to court, and  
18 then he was released on conditions.

19 **THE COURT:** So he was released from Butner in  
20 February?

21 **MS. PRYOR:** He was released from Butner in February.  
22 They sent him to another custody situation, I guess, just in  
23 the process, and some things -- and this is why I bring this  
24 up, too. Because of his autism, he has some issues in the jail  
25 with one of the wards, and they were supposed to send him back

1 directly after, but they put him in some level of solitary in  
2 another jail.

3 All in all, he didn't get back, of course, until  
4 May 14, and so that's why I stand here and ask for the credit,  
5 because I would hope that the Court would -- and I say that  
6 because we do understand that you've made that he has violated  
7 this, and based on that, there is a punishment that must go  
8 with it; but, Your Honor, I would state because of his  
9 condition and because of OCD and because of autism, the courts  
10 and BOP, having to learn to deal with someone with autism, I  
11 don't believe that they are there yet, which makes it difficult  
12 on the person. And because of -- you know, because of that,  
13 Your Honor, I would ask that if you do find that you want to  
14 sentence him, there are some other alternative ways of  
15 sentencing him. He's been successful, as you heard from his  
16 probation officer, being at home, home detention where he  
17 cannot leave --

18 **THE COURT:** Before you go on further, let me just see  
19 what the Government's position is, but I don't know if they're  
20 opposing. He's essentially been incarcerated now for close to  
21 6 months, in some form or another.

22 Are you opposing some kind of sentence that would be  
23 in effect a time-served sentence?

24 **MR. RAMASWAMY:** Yes, Your Honor.

25 **THE COURT:** Okay.

1           **MS. PRYOR:** And so, Your Honor, there are some other  
2 alternative ways of doing prison -- or doing punishment. As  
3 you heard, Mr. Hill has been successful with being at home. He  
4 can be placed on home detention. He can have an electronic  
5 monitor. He can be placed on home detention for up to 6  
6 months, even up to a year, if Your Honor so requires.

7           Him being at home, he has the opportunity to -- I  
8 mean, he won't have the opportunity to leave. His family does  
9 travel, and they do enjoy traveling. He won't have the  
10 opportunity to travel, some of the things that he takes -- some  
11 of the things that he enjoys doing.

12           Your Honor can also make it any other conditions  
13 that, of course, Your Honor would provide, but, Your Honor, I  
14 would ask because of what he -- because he's been successful  
15 through his probation of showing that he is consistent about  
16 sending his report, he's consistent about contacting them, he's  
17 consistent about making sure that they know where he is at all  
18 times, he's consistent about being respectful to the officer,  
19 so I would state that having him at home with his family and  
20 even if -- like I say, even if it's more closed in where he  
21 cannot leave the home I think would still satisfy the  
22 punishment that is here.

23           As you heard, he does -- I believe they stated that  
24 he walks that trail even during the daytime. So he does enjoy  
25 going outdoors. So having the -- where the Court would tell

1 him he could not go outdoors anymore is a punishment as well.

2           So, Your Honor, I do believe that you can satisfy the  
3 factors here of the condition of him being at home on  
4 detention. Whether 6 months to a year, you can satisfy the  
5 condition of whether it would be a deterrence because, as you  
6 note, Mr. Hill does like to travel with his family. So that is  
7 the deterrence, that he won't be able to travel.

8           And being with his autism, his mindset and what he  
9 thinks is differently than what it is for us or any other  
10 prisoner that we could sentence to custody. His punishment is  
11 just the violation, being sentenced to -- him being violated.  
12 That's the difference of the sentence that he gets here today.

13           So, Your Honor, I would just ask that you would  
14 consider those other alternative ways of punishment today and  
15 that you would sentence him within the guidelines but through  
16 alternatives ways of doing it.

17           **THE COURT:** All right.

18           **MS. PRYOR:** Thank you.

19           **THE COURT:** All right. Mr. Ramaswamy?

20           **MR. RAMASWAMY:** Your Honor, I don't wish to  
21 prolong -- I don't wish to speak so long that the Court is  
22 going to miss any deadlines.

23           **THE COURT:** Well, how long do you want to speak?  
24 What is it the Government's arguing for?

25           **MR. RAMASWAMY:** I would first say that the Defendant

1 is a registered sex offender who spent at least three hours out  
2 that night naked, photographing himself for some unknown  
3 reason. And the Court has also heard testimony that there were  
4 other reports of a naked man in a stocking cap, and he's shown  
5 wearing a stocking cap prior to this, and that there were no  
6 such reports after Mr. Hill's arrest.

7           This is not Mr. Hill's first violation. He was not  
8 revoked last time, and I'm not saying that would have been  
9 appropriate; but on these facts, it is completely appropriate.  
10 The probation officer is recommending the high end here. Under  
11 the Chapter 7 limits and not going into Protect Act, I would  
12 concur with that. I would ask the Court to sentence him to the  
13 9 months. I don't know if whatever time he spent in the  
14 evaluation counts. I can't say.

15           **THE COURT:** Should I take that into account? I mean,  
16 he was essentially locked up for 6 months.

17           **MR. RAMASWAMY:** Yes. I'm not saying it's not  
18 appropriate that the Court take it into account, but I don't  
19 think simply telling Mr. Hill to stay at home and make him wear  
20 a monitor -- he's proven he can't self-regulate. He's  
21 consistently denied the offense conduct of the original  
22 offense, of the other violation. It's always some nefarious,  
23 outside force that makes Mr. Hill do things, now from someone  
24 handing him a camera until, here, carbon monoxide. Mr. Hill  
25 has consistently shown he doesn't take responsibility for what

1 he does, and he's inappropriate to trust in the form of  
2 self-regulation.

3 **THE COURT:** What role does his autism play in all of  
4 this?

5 **MR. RAMASWAMY:** I think we're all familiar with  
6 what's in the reports as to his mental state. More than the  
7 autism, there is the diagnosis of delusional disorder. That is  
8 in his prior records. I think the Court has dealt with persons  
9 with autism before, and that's a larger topic to get into than  
10 here. I think we've all been considerate. The Government, the  
11 Court, the Court in the original case, counsel has been  
12 considerate of the Defendant's mental condition, but on this  
13 conduct, there is an overriding concern of public safety.

14 Even at the high end of what's recommended, it's  
15 likely lower than someone without Mr. Hill's condition would  
16 have gotten on these facts.

17 **THE COURT:** So what's the punishment for this in  
18 Virginia? He's been convicted. What has he been sentenced to?  
19 Do you know?

20 **MR. RAMASWAMY:** I don't know what the original  
21 sentence was.

22 **THE COURT:** Ms. Pryor probably knows. What was his  
23 sentence?

24 **MS. PRYOR:** Your Honor, he was given credit for  
25 time -- he was given credit for time served. I believe it was

1 a 60-day sentence, Your Honor, because it's less than a year.

2 **THE COURT:** Okay. Was that in addition to the 6  
3 months he was in federal custody?

4 **MS. PRYOR:** No, that was not, Your Honor.

5 **THE COURT:** All right.

6 **MR. RAMASWAMY:** Thank you, Your Honor.

7 **THE COURT:** Mr. Hill, is there anything you would  
8 like to say on your own behalf before I make a decision as to a  
9 disposition of your case? Let me say to you that you have no  
10 obligation to speak. You enjoy the right to remain silent  
11 under our Constitution. If you wish to remain silent, I will  
12 not hold that against you. On the other hand, if you would  
13 like to say anything before I make a decision, this would be  
14 the right time.

15 **THE DEFENDANT:** Respectfully, yes, I do, Your Honor.  
16 I would like to bring up that I have been involved in a 2255  
17 motion since 2017. If I have to admit guilt to something I did  
18 not do, I would be committing over five acts of perjury. So am  
19 I going to be required by the probation office to commits acts  
20 of perjury, because I kept saying under penalty of perjury, I'm  
21 innocent? I filed something that the guilty plea cannot be  
22 valid if I withdrew it. The 2255 is still pending before  
23 this Court, and to force me to admit guilt to something I did  
24 not do is detrimental and puts me at risk of multiple perjury  
25 charges.

1           And the carbon monoxide -- I have a lot of proof,  
2 Your Honor. I've got sinus tachycardia. I've got abnormal red  
3 blood cell count, abnormal white blood cell count. All these  
4 are in medical records, and the National Institute of Health --  
5 my mom has documents from the National Institute of Health and  
6 government agencies saying that carbon monoxide can be linked  
7 to all kinds of problems that I had had last year, like  
8 psychosis and hallucinations. And I have credible government  
9 documents that all backs up everything I'm saying. That's why  
10 I sent a letter to Martinsville Police Department on the  
11 conduct, apologizing and saying that, look, carbon monoxide  
12 caused this.

13           There might be a guy in a hoodie. There was a  
14 threatening greeting card that my mother did receive that said  
15 they will do a controlled action against my mother if she  
16 doesn't stop putting stuff on YouTube. If she doesn't stop  
17 what she's doing, they're going to commit a controlled action  
18 against her. That was July 2018.

19           Your Honor, there's a lot more evidence that couldn't  
20 be presented at this hearing. We needed more time. That's why  
21 I filed the notice of interlocutory appeal. We would have had  
22 witnesses to come and testify. We need more time, and I need  
23 to go through the state appeal because I am actually innocent.  
24 According to my lawyer, Scott Albrecht, the public defender of  
25 Martinsville, he said, you are innocent because you did not

1 engage in obscene-type conduct. And that means, you know, I  
2 never masturbated. I never did anything sexual. I was just  
3 naked. So he said that I am legally innocent under the  
4 Commonwealth of Virginia. That's why I'm appealing it so that  
5 I could be found actually innocent, and I plan to file a motion  
6 for the writ of actual innocence in Virginia. Even though it's  
7 normally sent to -- you know, felonies, I'm going to try to  
8 push for it, and I'm going to ask the Attorney General to have  
9 me found actually innocent because I am actually innocent.

10 **THE COURT:** All right, sir.

11 Can I speak to the probation officers briefly,  
12 please?

13 (Off-the-record discussion.)

14 **THE COURT:** All right. I've already found by the  
15 preponderance of the evidence that the Defendant violated the  
16 valid conditions of his supervised release, and the violation  
17 was willful and without lawful excuse. I'm going to order that  
18 the supervised release term be revoked.

19 I've considered the factors under 3553(a) that apply  
20 under 3583(e) in this case, and one of the factors is the  
21 nature and circumstances of the offense. Here, the Defendant  
22 was exposing himself throughout the city of Martinsville, and  
23 the photos are part of the record in this case, which indicate  
24 how he exposed himself, which is proof of the exposure, which I  
25 found to be a violation of the indecent exposure law in

1 Virginia.

2 Another factor is the history and characteristics of  
3 the Defendant. I've considered the multiple factors here  
4 indicated, including the Defendant's autism and his OCD, the  
5 diabetes, his age.

6 And I'm concerned about deterrence because this is  
7 the second hearing we've had on revocation. The exposure in  
8 this case was intentional and purposeful. There's really no  
9 way to explain otherwise. He's running around naked, taking  
10 pictures of himself and posing for the pictures of his  
11 genitals, and he's doing it in the open in the public. How he  
12 would have thought he'd never have been caught by this is kind  
13 of hard to fathom, but maybe because it's 3:00 in the morning.

14 I'm trying to take into account and give heavy  
15 deference to the fact that I know he has autism. On the other  
16 hand, he's extremely articulate in his various filings with the  
17 court and his allocution. Mr. Hill is very capable of  
18 explaining things. It may not always be rational, but he's  
19 capable of explaining things. So I am trying to distance all  
20 of that.

21 In this case, I'm taking into account the fact that  
22 he's been in federal custody since December 21st.

23 **MS. PRYOR:** Yes, Your Honor.

24 **THE COURT:** I'm going to impose the 9 months. That's  
25 within the guideline range that the probation office has

1 recommended. That is the high end of the guidelines.

2 As a practical matter, that's, I think, 3 months from  
3 now, roughly 3 months from now, because I am anticipating that  
4 he should be getting credit for all of his time since  
5 December 21st because he's been in federal custody. Whether  
6 he's been at Butner being evaluated or wherever he was, he was  
7 in still in federal custody.

8 So my sentence of 9 months is under the understanding  
9 that he's getting credit for his time since December 21. It's  
10 also acknowledging that he's been in state custody before that  
11 and was punished in state custody, but the violations of  
12 supervised release, generally speaking, run consecutive to  
13 state punishment. And in this case, I think that's an  
14 appropriate punishment.

15 The willfulness of this violation is what still  
16 strikes me. Even though I know he's autistic and he has  
17 issues, it's hard to deny the willful, intentional conduct  
18 here.

19 So I'm going to order that Mr. Hill be committed to  
20 the custody of the United States Bureau of Prisons for 9  
21 months. As I've said, that's with the intention that that  
22 would essentially be running from December 21, 2018, to the  
23 present because he would be getting federal credit for that  
24 time.

25 I am going to reimpose 9 years of supervision in this

1 case under the same terms and conditions already disclosed in  
2 this case.

3 All right?

4 **MS. PRYOR:** Your Honor, I do have a question. If the  
5 attorney or -- once they do return my call, if they do not give  
6 him credit for that 5 months that he was in custody, is that  
7 still Your Honor's position?

8 **THE COURT:** No. My belief is he should get that  
9 credit. So my sentence is based on the understanding that he  
10 will be getting credit since then. What I guess I would tell  
11 you is it will take me a few days to get the judgment prepared.

12 **MS. PRYOR:** Yes, Your Honor.

13 **THE COURT:** I would encourage you to check with the  
14 Bureau of Prisons and be sure about that. If that's a problem,  
15 let me know, and under Rule 35, I think it is, I will regard  
16 that to be a mistake in fact.

17 **MS. PRYOR:** That's correct.

18 **THE COURT:** Unless there is an objection by the  
19 parties, I would consider making that change to reflect that.

20 **MS. PRYOR:** Thank you, sir.

21 **THE COURT:** Anything else? Have you had an  
22 opportunity speak -- oh, is he in custody now?

23 **MS. PRYOR:** He is not in custody, Your Honor.

24 **THE COURT:** He's been out of custody at the present  
25 time. Is this a case where he can self-report, and is there

1 any objection?

2           **MS. PRYOR:** Your Honor, that would be my request,  
3 Your Honor. His family did come all the way from Martinsville,  
4 Virginia, and the probation officer and him have a great, great  
5 relationship.

6           **THE COURT:** Let me ask: Is there any objection to  
7 self-reporting?

8           **MR. RAMASWAMY:** For the Government, I do oppose it,  
9 Your Honor. I understand Probation's position, if I'm not  
10 mistaken, is he be allowed to self-report.

11           **THE COURT:** What is the Probation's view?

12           **THE PROBATION OFFICER:** Your Honor, he's followed  
13 instructions thus far. I don't see why he wouldn't now.

14           **THE COURT:** Is he on location monitoring?

15           **THE PROBATION OFFICER:** No, sir, not at the present  
16 time.

17           **MS. PRYOR:** Your Honor, we have no objection to him  
18 being on location monitoring, but I would ask that he does  
19 self-report. He's never had an issue with Probation.

20           **THE COURT:** I'm -- given the myriad of factors in  
21 this case -- he's still living with his mother; right?

22           **MS. PRYOR:** He does.

23           **THE COURT:** I'm going to find he's not likely to flee  
24 or pose a danger to the community under circumstances where  
25 he's on GPS monitoring. So I'm going to add a condition to his

1 supervision that he be given GPS location monitoring, and he  
2 can self-report then.

3 Do I have a date, Ms. Engle?

4 **MS. PRYOR:** Your Honor, this might be a stretch to  
5 ask, but I believe his next court date is December 3. I was  
6 wondering, Your Honor -- it's really important to him that he  
7 be able to attend that hearing -- if it could be a date after  
8 December 3 to report.

9 **THE COURT:** Any objection?

10 **MR. RAMASWAMY:** Your Honor --

11 **THE COURT:** It's going to take Bureau of Prisons 6 or  
12 8 weeks at a minimum.

13 **MS. PRYOR:** It does, Your Honor.

14 **THE COURT:** So we'll be into November.

15 **MR. RAMASWAMY:** Given the conduct, the Government  
16 does not consent to that.

17 **THE COURT:** Okay.

18 **THE PROBATION OFFICER:** Your Honor, just as a matter  
19 of logistics, if he were to be released to location monitoring  
20 technology, that technology should be installed immediately.  
21 We would request a -- that the Court agree to a short delay of  
22 the installation of that, just given the logistics of him  
23 traveling back to the Western District of Virginia and the  
24 Western District of Virginia installing their equipment.

25 **THE COURT:** How many days would you like before?

1           **THE PROBATION OFFICER:** Your Honor, I think we can  
2 take care of that Monday.

3           **THE COURT:** So you can add that to the condition,  
4 that within 7 days that it be placed at the discretion of  
5 Probation. How about that? Does that work?

6           **THE PROBATION OFFICER:** Thank you, Your Honor.

7           **THE COURT:** All right. So as long as he's on  
8 location monitoring, I'll set it for Friday, December 6, noon,  
9 report to the U.S. Marshal in Greensboro, if he hasn't received  
10 a designation.

11          **THE PROBATION OFFICER:** I apologize, Your Honor.  
12 Just for further clarification, is that a home incarceration or  
13 a curfew? He would need to be placed under one of the three  
14 programs as well.

15          **THE COURT:** Is there a recommendation?

16          **THE CLERK:** Is it a revision? An order of release or  
17 a condition of his supervision?

18          **THE COURT:** Well, I don't know -- we'll figure out  
19 that in a minute.

20          **THE PROBATION OFFICER:** I would simply recommend at  
21 least a curfew. With GPS, you can order a curfew that's  
22 restrictive enough to monitor his whereabouts throughout the  
23 day.

24          **THE COURT:** Okay. That's a -- the case manager  
25 raised a good question. This is actually not a condition of

1 supervision. I think this is going to be a release condition  
2 so he can remain on his own. So the magistrate judge's order  
3 on release will be modified to add a condition for location  
4 monitoring. You think home -- a curfew is sufficient?

5 **THE PROBATION OFFICER:** Your Honor, I believe a  
6 curfew that's at the discretion of the probation officer would  
7 be --

8 **THE COURT:** I will add a curfew at the discretion of  
9 Probation. Probation is doing an excellent job of working with  
10 Mr. Hill. I just want to make sure that he's in at night.

11 **MS. PRYOR:** Yes, Your Honor.

12 **THE COURT:** All right. I don't want him running  
13 around naked anymore anywhere.

14 **MS. PRYOR:** Yes, Your Honor.

15 **THE COURT:** Does that address all those issues?

16 **MS. PRYOR:** It does, Your Honor.

17 **THE COURT:** Ms. Pryor, let me know right away if you  
18 hear otherwise.

19 **MS. PRYOR:** I will, yes, sir.

20 **THE COURT:** Because the judgment will be issued here  
21 shortly.

22 Have you had an opportunity to speak with Mr. Hill  
23 about any appellate rights he may have?

24 **MS. PRYOR:** I have, Your Honor. He would like to  
25 file his notice of appeal.

1           **THE COURT:** For the record, just so that I've advised  
2 him, make sure he's aware, if he does want to file a notice of  
3 appeal, he must do so in writing within 14 days of the entry of  
4 the Court's judgment. If he cannot afford the cost of his  
5 appeal, he can ask the Fourth Circuit to waive the cost.

6           If you want to file the notice of appeal -- I haven't  
7 entered a written judgment yet, but it only has to be entered  
8 within 14 days of the written judgment.

9           **MS. PRYOR:** I understand. Thank you, Your Honor.

10          **THE COURT:** Ms. Hill, please keep an eye on your son.  
11 I hope there won't be any problems between now and whenever he  
12 gets a reporting date so that we don't have any further issues.  
13 Okay.

14          **MS. PRYOR:** Thank you so much, Your Honor.

15          **THE COURT:** Good luck. I know it's a challenge.

16 All right. Anything further?

17          **MR. RAMASWAMY:** No, Your Honor.

18          **THE COURT:** All right. Please adjourn Court.

19 (END OF PROCEEDINGS AT 5:35 P.M.)

20  
21 \*\*\*\*\*  
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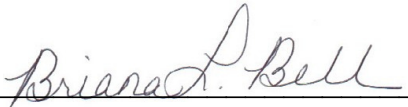
1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF NORTH CAROLINA

3 CERTIFICATE OF REPORTER

4  
5  
6 I, Briana L. Bell, Official Court Reporter, certify  
7 that the foregoing transcript is a true and correct transcript  
8 of the proceedings in the above-entitled matter.  
9

10 Dated this 4th day of November 2019.  
11

12  
13   
14 Briana L. Bell, RPR  
15 Official Court Reporter  
16  
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**EXHIBIT 5**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOLIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Thursday, January 20, 2022



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**VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE CITY OF  
MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,** )  
 )  
**v.** )  
 )  
**BRIAN DAVID HILL,** )  
**Defendant.** )

**CASE NO: C18-3138**

**ORDER**

This case came this day to be heard upon the written motion of the Defendant, BRIAN DAVID HILL, by counsel, who moved, pursuant to Rule 7C:5 of the Rules of the Supreme Court of Virginia, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in said Rule, and

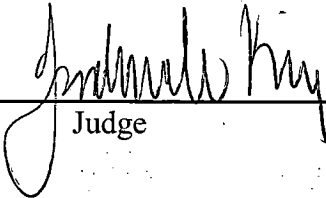
It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

- (1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;
- (2) A copy of any criminal record of the accused; and
- (3) Any exculpatory information or evidence as set forth by *Brady v. Maryland* and its progeny that is known to the Commonwealth.

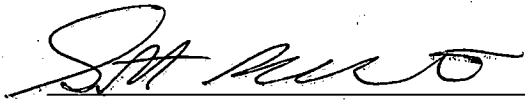
And it is further ADJUDGED, ORDERED and DECREED that the Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material

subsequently discovered which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

ENTER this 28 day of November, 2018.

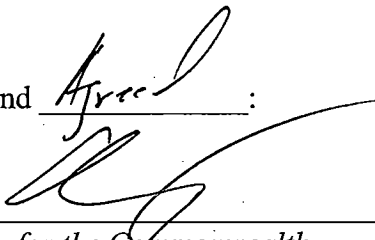
  
Judge

I ASK FOR THIS:



Scott Albrecht, Esq. (VSB #88411)  
Office of the Public Defender  
P.O. Drawer 31  
Martinsville, VA 24114  
T: (276) 666-2206 ext. 106  
F: (276) 666-8929  
salbrecht@mar.idc.virginia.gov  
Counsel for Defendant

SEEN and Agreed:



Attorney for the Commonwealth  
City of Martinsville, Virginia  
P.O. Box 1311  
Martinsville, VA 24112  
T: (276) 403-5470

Michael McPherson  
Retained for  
Bond Hearing  
10-12-18  
9:45a

RECEIVED  
DATE/TIME 11-28-18 11am  
BY D. Allen D. Clark  
MARTINSVILLE GENERAL DISTRICT COURT

**EXHIBIT 6**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Thursday, January 20, 2022



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VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
Plaintiff

vs.

CR19-009

BRIAN DAVID HILL,  
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

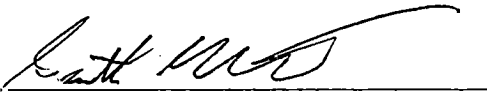
It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 6<sup>th</sup> day of February, 2019.

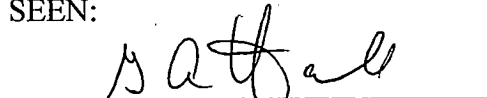
  
Judge

I ASK FOR THIS:



Scott Albrecht (VSB #88411)  
Office of the Public Defender  
P. O. Drawer 31  
Martinsville, VA 24114  
276-666-2206  
276-666-8929 (fax)  
salbrecht@mar.idc.virginia.gov

SEEN:

  
Counsel for the Commonwealth

**EXHIBIT 7**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
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FOOTAGE AND IT IS LIKELY DESTROYED AND  
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DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Thursday, January 20, 2022



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VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
Plaintiff

vs.

CR19000009-00

BRIAN DAVID HILL,  
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

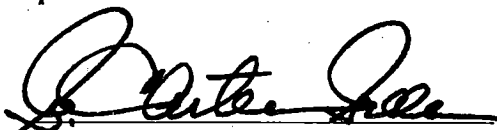
It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 15<sup>th</sup> day of July, 2019.

  
Judge

I ASK FOR THIS:



Scott Albrecht (VSB #88411)  
Office of the Public Defender  
P. O. Drawer 31  
Martinsville, VA 24114  
276-666-2206  
276-666-8929 (fax)  
salbrecht@mar.idc.virginia.gov

SEEN:

  
Counsel for the Commonwealth

**EXHIBIT 8**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
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DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Thursday, January 20, 2022



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## Body Cameras Proving Useful for Martinsville Police

by  
Wednesday, May 1st 2013



📘

🐦

✉️

Martinsville, VA -- The Martinsville Police Department says a small device has been making a big difference in fighting crime.

About a year ago, they got 38 cameras that the officers wear. They received the cameras because of a grant from the Virginia Municipal League. And they say they have really proven



Even on a very routine call, every word spoken and every movement taken will be captured



"Having this thing with us is like having someone with us whose memory is infallible," said Sgt. Chad Rhoads with the Martinsville Police Department.

Captain Eddie Cassidy calls the cameras "like another officer" watching out for his force.

"They have been very useful for us," said Cassidy.

For about a year, every Martinsville Police patrolling officer has worn one of these cameras. And for such a small device, it does a lot even capturing the sound of cars driving by in the distance.

"It helps clear up any disagreements. Anytime you talk to somebody, there are two different versions of what went on," said Rhodes.

And Rhoads explains, this camera shows the real version.

"It helps us investigate cases. It also helps us identify potential witnesses in other crime scenes too," said Cassidy.

In the past few months, it did something they didn't even expect. When a man accused officers of assaulting his wife, Cassidy says the cameras proved the accusations false.

"Once we viewed it we were able to consult with the Commonwealth's Attorney and place charges for filing a false report," said Cassidy.

Captain Cassidy says they have used the video as evidence in many cases throughout the year. So, they say it has really done its job.

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## 6 people wanted by Bedford County Sheriff's Office

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**EXHIBIT 9**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
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DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Thursday, January 20, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

## **Interview and Interrogation of people with autism (including Asperger syndrome)**

By Dennis Debbaudt

Conducting on-scene interviews of victims, witnesses, and suspects, a routine event for patrol officers, allows the officer to gather basic information such as who, what, where, when, and why. The officer uses this information to assess situations and decide on further action.

An interrogation differs somewhat from basic fact-gathering since it tends to focus more on a subject who probably is suspected of a criminal act. Different techniques, rules, and procedures apply during an interrogation. A law enforcement professional may be trained in the techniques of interrogation, the rules that apply - such as when to advise suspects of their legal rights - and what procedures to use - such as the venue, environment, or comfort level of the suspect. An interrogation is conducted when there is reason to suspect that a person knows more about or was involved in committing a criminal act.

Whether it is a simple field interview, or a more focused interrogation, dealing with persons with autism presents unique challenges and considerations.

### **Misleading indications of guilt**

There will be occasions when first-responders refer a case involving a person with autism for further questioning. In most cases this will involve an individual who apparently communicates very well and has achieved a high level of independence in the community. The person may have been found at or been identified by others as being at the scene or possessing knowledge of a crime.

Higher-functioning or more independent individuals with autism may live alone or without constant supervision, be able to drive or use public transportation, hold a job, and enjoy leisure activities.

They may possess apparently normal verbal skills but be deficient in comprehension, social awareness, and decision-making. They may appear as quite normal at first, but the symptoms, behaviours, and characteristics - for example, providing blunt or tactless answers, changing the subject, or being unable to understand or accept a rational answer - will become apparent to the educated investigator. However, without an understanding of the disability it will be easy to misinterpret the information provided as an indicator of guilt.

They may provide no eye contact at all, even when a questioner shifts their position to obtain it.

The person may have been taught to give eye contact but this may be perceived as insincere, glaring, or fixated. The interviewer may mistake this unusual eye contact as a tension-relieving technique used by a guilty person, when it is nothing more than a symptom of the condition of autism.

When stressed, communications skills may diminish or disappear. Answers may seem evasive or unconnected to the question that was asked. Individuals may appear belligerent, argumentative, stubborn, or inattentive - behaviour that may seem indicative of a person with something to hide.

They can easily become the object of increased scrutiny by the questioner. What started as a routine fact-gathering task may turn into an unnecessary interrogation because an officer, unfamiliar with the behaviours of ASDs may have had their law enforcement instincts rightfully aroused.

### **Possible traps when interrogating a person with autism**

Techniques used during Interrogations may include the use of trickery and deceit:

'Without some elements of "trickery", such as leading the suspect to believe that the police have some tangible or specific evidence of guilt, many interrogations will be totally ineffective' (Inbau and Reid 1967, p.196).

'Only one important qualification has been attached to the rule; the trickery or deceit must not be of such nature as to induce a false confession' (Inbau and Reid 1967, p.195).

The higher-functioning person through his or her responses, and the unaware interrogator through

their beliefs, may become unwitting accomplices to continuing a faulty investigation in the best case or, in the worst case, to extracting a false confession.

The following are some possible traps that interrogators can fall into when conducting the interrogation of a person with autism.

#### **Memory Skills**

Interrogators should understand that the person with autism may have highly developed memory skills. The person may have learned to commit facts or the statements of others to memory: This rote skill may allow him or her to quickly assimilate and regurgitate data. The individual may be more proficient in his or her expression of these facts than in comprehension of them. He or she may have developed a sophisticated form of echolalia, echoing and repeating the words of others. For example, the person with autism could memorize the allegations of a citizen overheard at the scene, facts inadvertently provided by a first-responding officer, and details of some of the circumstantial evidence that an interrogator has revealed during questioning. Under these circumstances, the person with autism could provide a very convincing untrue statement or false confession. At the least, this knowledge could be misconstrued as real familiarity of facts that only a guilty person could know.

#### **The Interrogator as Authority Figure**

Persons with autism may have been conditioned through their lifetime to look to authority figures to make many of life's important decisions for them. They have learned to depend on and trust these authority figures to be right. The interrogator may be viewed as another authority figure that is always right. 'If he thinks I robbed the bank, maybe he's right' is a conclusion that the confused person with autism may develop during an interrogation.

#### **Friendly-Unfriendly**

Persons with autism may have a hard time developing friends. They may seek the friendship of others, only to be continually disappointed. They may repeat social gaffes that others find repelling, and they may learn little from these friend-seeking experiences. Although they may not have learned how to make a friend, this will not stop them from trying.

The interrogation techniques of friendly-unfriendly interrogators have the potential to produce false confession from such persons. 'The friendly-unfriendly act is particularly appropriate in the interrogation of a subject who is politely apathetic - the person who just nods his head as though in agreement with the interrogator, but says nothing in response except possibly a denial of guilt' (Inbau and Reid 1967, p.64). The person with autism may involuntarily give an interrogator the impression that he or she is apathetic, and may deny guilt because he or she is innocent.

The friendly interrogator may convince the trusting individual that they are, truly, their friend. The person with autism has now just made a new friend, and 'if my friend wants to know about me robbing a bank, then I'll tell him just to keep him around.' Rather than telling the truth, the person will tell his or her 'friend' what he or she thinks they want to hear.

#### **Concrete Thinkers**

Persons with autism are concrete thinkers. Jokes, sarcasm, innuendo, satire, trickery and deceit are difficult concepts for them to understand and appreciate. Their world is unadorned with pretext, pretence, sham, and dishonesty. They are naturally guileless and very honest. They are not very able liars. They expect others to be honest and they can become confused or disappointed when they are not. We have learned that persons with autism may not have a complete understanding of what is expected of them, or the consequences of their actions. They may not understand how serious the consequences of the confession will be for them. They may be led to believe that lying is what is expected of them.

#### **Poor Liars**

An interrogator may seek an admission of lying about any part of the alleged offence. The person with autism may try to respond to this new friend or authority figure with what he or she believes is the reply that is wanted. The person may truly have made a mistake; to the interrogator, it was a lie.

When asked if he or she has ever thought about committing the offence in question, the honest-to-a-fault but innocent person with autism may answer 'Yes', as opposed to the characteristic answer of 'No' from an innocent person. While both persons only thought in passing about

committing such an offence, the 'normal' person would not consider answering yes. The concrete-thinking autistic person may answer the question as it is asked, causing the interrogator to continue the probe.

It is possible that the person with autism has learned through experience to lie. But her or his attempts to lie will be done poorly. An interrogator should ask a series of unrelated questions to determine the person's ability and potential for lying. This should be done prior to asking questions that are pertinent to the matter at hand.

#### **Tips for the interviewer/interrogator**

The interviewer must be specific in what information is sought by asking questions that avoid ambiguity. If the interviewer asks, 'Did you take the money?', the person with autism may say 'Yes' whether or not she or he actually took it. It would be clearer to ask, 'What did you do?' allowing for the individual to provide a response. If you ask, 'Were you with your family or John?' the autistic person may respond, 'John', because that was the last choice of the sequence. If the question was asked again but in reverse order, the autistic person may answer, 'My family,' for the same reason (Perske 1991).

A more specific question might be, 'Who were you with?' which reduces the influence of suggestion on the subject. Obtaining a false confession is a situation for which no conscientious law enforcement officer would want to be responsible.

Some other factors investigators may consider:

- Be sure the subject understands his or her legal rights.
- Saying yes is not the same as understanding them. To the concrete thinker 'waiving your right' may mean waving your right hand.
  - To avoid confusion, ask questions that rely on narrative responses.
- Asking yes or no question is an essential and important element of determining guilt. But consider asking a series of yes or no questions to determine the style and dependability of the response. Then ask the key yes or no questions:
  - Seek the advice of a psychiatrist or psychologist who is familiar with autism. Consider contacting a specialist in autism from outside the criminal justice system.
  - Seek the advice of a prosecutor. You have a job to do and want to perform it in the best way possible. With their unusual responses to your questions, the higher-functioning person with autism may challenge all of your training.
  - Follow procedure, but also follow your gut instincts if you feel that something isn't 'quite right' with the subject of your investigation. Like the old adage, if the statement or confession is too good to be true, it probably is.

**EXHIBIT 10**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Thursday, January 20, 2022



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DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC  
AND RELATED COMMUNICATION HANDICAPPED CHILDREN

Department of Psychiatry  
University of North Carolina

D I A G N O S T I C   E V A L U A T I O N

Patient: Brian Hill

Chart #: 60373

D.O.B. 5-26-90

Center: High Point, NC

Date: 10-19-94

Staff: Marquita Fair, Child Therapist

Allison Butwinski, Parent Consultant

Dr. Roger D. Cox, Licensed Practicing Psychologist and  
Clinical Director

TESTS ADMINISTERED:

Psychoeducational Profile-Revised (PEP-R)  
Vineland Adaptive Behavior Scale

REFERRAL INFORMATION:

Child's Name: Brian Hill

Age: 4 years 5 months

Address: 133 Mike Lane, Reidsville, NC 27320

Parents: Roberta Hill

Current Status: Lives at home with mother and is being served in  
a preschool developmental delayed classroom at Bethany

Referral Source: Sheila Shelton

Reason for Referral: Clarification of diagnosis and educational  
planning

DEVELOPMENTAL HISTORY:

Brian was born prematurely weighing 3 pounds, 13 1/2 ounces. He received phototherapy for hyperbilirubinemia and was discharged from the hospital at approximately 2 weeks of age. At 18 months, he was hospitalized for 6 days with the onset of insulin dependent Diabetes Mellitus. He currently is taking NPH insulin and Regular insulin and his diet is regulated according to the American Diabetic Association diet. At 35 months Brian was seen at the Greensboro DEC due to language delays. There were concerns regarding Brian's social relatedness and language development. It was felt that his neurodevelopmental profile may represent a form of a pervasive developmental disorder and a TEACCH referral was recommended.

Currently, Brian uses words and short phrases to express his needs. He exhibits pronoun reversals, immediate and delayed echolalia, and repeats some phrases he has heard over and over. He understands and follows simple routine commands but cannot use or answer "Wh" questions.

Though aware of others, Brian has difficulty interacting with them. He is beginning to show an interest in other children but does not initiate interactions. Brian's favorite activities include stacking blocks and listening to music. He recently has become more aware of his mother when she picks him up from school and sometimes greets her by saying "mommy". Brian occasionally becomes upset when he does not have his way and is prone to small episodes of temper tantrums.

#### FAMILY STATUS:

Brian lives at home with his mother, Roberta Hill in Reidsville. His mother and father are divorced and Brian does not have contact with his father. His maternal grandparents live nearby and he sees them frequently. During the evaluation, Roberta was very friendly and easy to talk to. She offered some very nice information about Brian.

#### EDUCATIONAL PLACEMENT:

Brian is currently being served in a preschool developmental delayed class at Bethany Preschool in Reidsville. Brian's teacher, Sheila Shelton, who attended the evaluation, felt that Brian had made very nice progress since his enrollment. She appeared flexible and willing to develop a program that considers Brian's individual needs.

#### DESCRIPTION OF CHILD:

Brian is a cute 4 year 4 month old boy. He was appropriately dressed in long pants and a long sleeved shirt. He was accompanied to the TEACCH Center by his mother, Roberta Hill.

#### BEHAVIORAL OBSERVATIONS DURING TESTING:

##### Relating, Cooperating, and Human Interest:

Brian, joined by his mother, accompanied the examiner to the testing room. He whimpered as his mother left the room. When offered a toy, Brian immediately settled down and showed a fleeting interest in the toys on a table. At the start of testing, Brian resisted joining the examiner at the work table. When he became upset, his language consisted largely of echolalia. Although he frequently whined when he did not get his way, he never actually cried. Brian's behavior was unpredictable when he attempted to engage in an activity. When materials were presented, Brian perseverated with them, making it difficult for him to relinquish materials when the task was completed. For example, Brian continued to fuss and ask for bubbles and play-doh

even when they were put away. He asked for the bubbles so often that they were eventually used as a reinforcer when he completed tasks.

Brian's attention to test items varied depending on his interest in the task. When he showed an interest in the items presented, he resisted putting them away. For example, Brian enjoyed doing puzzles, matching colors, and copying shapes. When he was instructed to put them away, he whined and said "do again, do again". Once he became familiar with placing the completed tasks in the "finished basket" it was easier for him to continue on to the next task. He showed limited interest in the kaliedoscope and counting which resulted in him placing incomplete tasks in the "finished basket". Brian was distracted by noises heard outside the door and in the observation booth, which made it difficult to redirect him back to tasks.

Brian was always aware of the examiner's presence. Eye contact was frequent and usually brief. He initiated social interaction by requesting the examiner to join him at the mini-trampoline and holding his hand. Brian appropriately asked for help and used gestures. He often asked for a "tissue please", returning the tissue to the examiner for disposal. He enjoyed being tickled, and although he did not ask for this activity to continue, he backed into the examiner with his arms stretched out as if to indicate that he wanted more.

#### Sensory Behavior:

Brian usually responded to his name by repeating it. He did not look at the examiner. He appropriately responded to various noisemakers. No unusual interests in taste or textures were noted during testing.

#### Play and Interest in Materials:

Although Brian often resisted sitting at the work table, he was able to focus on materials when they were presented. He was usually creative in how he used many of the materials. For example, when he used blocks, he made a three dimensional design twice and called them "pyramids". Another time he used the blocks to build "towers". As he identified letters, he told the examiner what each letter stood for; "G for goose", "A for apple", and "Y for yarn". When he used the scissors, he cut out shapes (rectangle and square) and identified them. Brian had his own agenda for completing the tasks. He became upset whenever the examiner suggested that he attempt a task differently.

Brian was most cooperative with tasks that involved writing, copying, matching, and coloring. He anxiously wrote his first and last name several times although not in sequential order. Brian copied shapes, focusing his attention on the examples presented when he was not sure how to draw a shape (triangle and diamond). Brian showed little interest in playing with puppets and pantomining object use.

During free play, Brian chose to jump on the mini-trampoline, play with a toy motorcycle with a man on it, and walk up and down the

wooden steps. When he realized the steps could be turned over to be a rocking boat, he asked for help to turn it over so he could use it alternately as steps and a boat. Several times, he stood near the door and asked for his mother. However, he was easily redirected back to a play activity.

#### Competence Motivation:

Brian quickly understood the routine of placing finished materials in the "finished basket" to his right. He often returned to the table if he forgot to put his completed tasks in the "finished basket". Organizing three tasks at a time on a table on Brian's left helped him understand how much work he had to do before he could leave the table to go play.

Brian often expressed pleasure with himself by smiling at the examiner and frequently saying "good job". Verbal praise from the examiner was also motivating to Brian.

#### Language:

Brian used language and gestures to communicate. At the start of testing, Brian's language consisted mostly of delayed and immediate echolalia. At times, his language was difficult to understand. He often commented during testing, but seldom directing his comments to the examiner. Brian asked questions such as, "can I blow?", "can I do bell again?", and "is this a birthday cake"? However, Brian had much more difficulty answering questions.

#### RESULTS AND SUMMARY OF THE PEP-R:

The Psychoeducational Profile-Revised (PEP-R) is a developmental test designed specifically for autistic and communication handicapped children. The child's performance is scored in several different function areas, and totalled to provide an overall developmental age score. Brian's overall score was 101, which resulted in an age equivalent of approximately 3 years 9 months.

On the PEP-R, Brian scored as follows:

<u>Function Area</u>	<u>Age Level</u>
Imitation	4 yrs. 6 mos.
Perception	4 yrs. 1 mo.
Fine Motor	3 yrs. 3 mos.
Gross Motor	3 yrs. 1 mo.
Eye Hand Integration	4 yrs. 7 mos.
Cognitive Performance	3 yrs. 3 mos.
Cognitive Verbal	3 yrs. 9 mos.
Developmental Score	3 yrs. 9 mos

When assessed with the PEP-R, Brian's test scores indicated relative weaknesses in the motor area and relative strengths in eye-hand integration.

Brian was able to receptively and expressively identify pictures in a language book, demonstrate the function of objects, sort cards, identify numbers, and sort objects. He had several emerging abilities, including identifying objects by touch, drawing a person, and copying a diamond.

DIAGNOSIS:

Autism - mild range

INTERPRETIVE CONFERENCE SUMMARY:

Attending Brian's interpretive conference were his mother, Roberta Hill, his preschool teacher, Sheila Shelton, and TEACCH staff, Allison Butwinski and Dr. Roger Cox. Results of the test administered were shared indicating Brian has many of the characteristics of mild autism. It is felt that Brian would benefit from a classroom with a small teacher to student ratio, individualized instruction, and autistic interventions.

RECOMMENDATIONS:

1. Brian would benefit from placement in a classroom with a small teacher to student ratio. The classroom environment should be free of distractions. A specific work area should be set up for Brian with a desk and boundaries to minimize distractions.
2. The classroom teacher should be experienced in autism, and have knowledge of structured teaching techniques. A three day training is being offered November 28-30 at the Gateway Education Center in Greensboro. The purpose of this training is to teach strategies that are typically successful in working with and teaching new skills to children with autism.
3. Brian should receive one-on-one teaching sessions 2-3 times a day to develop new skills. A teacher should sit across from Brian and present materials using the routine of working from left to right. Brian will place completed work to his right in a "finished basket". This will help him understand that what he has to do is in a basket to his left, how much work he has to do by the number of baskets with work in them, and he is finished when all the baskets are gone. He should be allowed breaks away from the table between tasks. It is important that Brian understand the contingency of working first and then receiving a break.
4. Brian's IEP should reflect the acknowledgement that he is a child diagnosed with autism. Specific strategies and teaching methods recommended by TEACCH should be addressed.

5. Brian's teacher for next year should be identified as early as possible in order that a request to attend TEACCH summer training for next year can be submitted.

*Marquita Fair*

Marquita Fair, Child Therapist

*Allison Butwinski*

Allison Butwinski, Parent Consultant

*Roger D. Cox, Ph.D.*

Roger D. Cox, Ph.D.  
Licensed Practicing Psychologist

**EXHIBIT 11**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Thursday, January 20, 2022



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**CARILION CLINIC**

CARILION CLINIC, FAMILY AND INTERNAL MEDICINE  
1107a Brookdale Street  
Martinsville VA 24112  
Phone: 276-670-3300  
Fax: 276-634-0379

5/16/2017

RE:  
Brian Hill  
310 Forest St Apt 2  
Martinsville VA 24112-4939

To Whom it May Concern:

This is to certify that Brian Hill is my patient since 11/2014. He has a diagnosis of diabetes, seizures, autism and obsessive compulsive disorder. One or more of these condition can limit his ability to be in social situation or among people and do work.

Please feel free to contact my office if you have any questions or concerns. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shyam E Balakrishnan'.

Shyam E Balakrishnan, MD

**EXHIBIT 12**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
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DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
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Thursday, January 20, 2022



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BRIAN HILL (174826) [DOB: 5/26/1990]

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DIAGNOSIS			
Axis/Order	Axis 3/1	Diagnosis	(F42.9) Obsessive-compulsive disorder, unspecified
Axis/Order	Axis 3/2	Diagnosis	(F84.0) Autistic disorder
Axis/Order	Axis 3/3	Diagnosis	(F29) Unspecified psychosis not due to a substance or known physiological condition
Axis/Order	Axis 3/4	Diagnosis	(F41.1) Generalized anxiety disorder
WHODAS 2.0 General Disability			
	Assessment Date	General Raw Score	General Average Score
	Score description	Raw Score	Average Score
	Cognition		
	Mobility		
	Self-care		
	Getting along		
	Life activities		
	Participation		


**Piedmont Community Services**

 13 MOSS ST SOUTH  
 MARTINSVILLE, VA 24112

Client Name: <b>BRIAN HILL</b>	SSN/Acct # <b>591980319 / 174826</b>
Address: <b>310 FOREST ST APT 2 MARTINSVILLE VA 24112-4939</b>	Date/Time: <b>10/24/2018 9:51 AM to 10:23 AM</b>
Insurance:	Employee Name: <b>CONRAD DAUM / MD</b>
Diagnosis:	Visit Type/CPT <b>Med Note [Jail] / Nonbill</b>
DOB <b>5/26/1990</b>	
Notes: <b>Non-Face-to-Face Service</b>	

**HISTORY**
**Chief Complaint: Notes:**

"guy in hodie threatened to kill my mother if I didn't do what he said" "meltdown" He was arrested for walking down the street naked and charged with a probation violation.

**History of Present Illness (HPI): Notes:**

local is mental, quality he agreed to zyprexa and zoloft. severity moderate, duration 1st admit 2013 ONLY, time of tx start here 2013, context jail inmate. associated he was convicted for child porn and is on sex registry. He believes he was convicted unfairly by a conspiracy of the court officials. He believes Critical documents proving his innocence were deliberately destroyed. Modify is tx accepted, ill's see med hx.

**Past Medical / Family Medical / Social Hx: .**

LEGAL HX: He would only discuss the child pron and probation violation convictions.

PSYCH HX: He tried suicide, but no family hx, he denied wanting to harm self or others the past month. He denied any SUD or tobacco, Hx autism, OCD, GAD

MEDICAL HX: Diabetes, IBS, Eczema, op only wisdom teeth, no fx hx, hypoglycemic seizures, hx concussions during seizures.

FAMILY HX: 0 kids, 1/2 sisters=2, 0 brothers, mom living, dad hx unknown no hx of inpatient , SUD, jail. Hx Hypertension, ulcerative colitis,

SOCIAL HX: born Orlando FL, raised NC, some HS, single, no church, on disability, lives alone with caretaker's help.

**Review of Symptoms (ROS)**
**Constitutional: Notes:**

sleeping ok

**Eyes: Notes:**

see ok

**Ears, Nose, Mouth, Throat: Notes:**

hear ok

**Cardiovascular: Notes:**

no chest pain

**Respiratory: Notes:**

breathing ok

**Musculoskeletal: Notes:**

no LBP

**Integumentary (skin and/or breast): Notes:**

no tattoos

**Neurological: Notes:**

seizure hx and diabetic foot neuropathy

**Endocrine: Notes:**

diabetes

**Hematologic/Lymphatic: Notes:**

no nodes

**Allergic/Immunologic: Notes:**

allergy see list

**Genitourinary: Notes:**

bladder frequency

**Gastrointestinal: Notes:**

GERD SX, episodic diarrhea

**EXAM****Constitutional Vital Signs:****Musculoskeletal****Muscle strength and tone: Notes**

ok

**Gait and station: Notes**

ok

**Behavior****Appearance:** Well-groomed**Activity:** Normal**Attitude:** Cooperative**Articulation (Speech):** Normal Rate, Rhythm, Volume**Sensorium****Consciousness:** Alert**Orientation:** Full**Memory:** Intact**Attention/Concentration:** Adequate**Emotion****Affect:** Comfortable and Reactive**Mood:** Euthymic**Congruency:** Congruent**Suicidal Ideation:** None**Homicidal Ideation:** None**Thought****Thought Process:** Goal-directed**Thought Content:** Delusional**Intelligence:** Average

(based upon fund of knowledge, comprehension, and vocabulary)

**Insight:** Full**Judgement:** Intact**Perception:** Normal**Impression****Brief summary of present status of case:** Notes  
aims=0**DIAGNOSES****Current Diagnoses:****Effective Date :** 10/24/2018

1 (F42.9) Obsessive-compulsive disorder, unspecified

**Diagnosed By :** **Diagnosed Date :****Onset Date :** **Previous Onset Date :****Onset Prior to Admission:****R/O:** No**Notes:****Date Updated:** 03/21/2017**SNOMED:** -

2 (F84.0) Autistic disorder

**Diagnosed By :** **Diagnosed Date :****Onset Date :** **Previous Onset Date :****Onset Prior to Admission:****R/O:** No**Notes:****Date Updated:** 03/02/2016**SNOMED:** -

3 (F29) Unspecified psychosis not due to a substance or known physiological condition

**Diagnosed By :** **Diagnosed Date :****Onset Date :** **Previous Onset Date :****Onset Prior to Admission:****R/O:** No**Notes:**

Date Updated: 10/24/2018  
SNOMED: -

**4 (F41.1) Generalized anxiety disorder**

Diagnosed By :      Diagnosed Date :  
Onset Date :      Previous Onset Date :  
Onset Prior to Admission:  
R/O: No  
Notes: BRITTLE DIABETES  
Date Updated: 10/24/2018  
SNOMED: -

**WHODAS 2.0 General Disability      Assessment Date:**

Raw Score:      Avg Score:

Cognition:  
Mobility:  
Self-care:  
Getting along:  
Life activities:  
Participation:

**Psych Diagnoses & Status**

Diagnosis: all

Status: Stable

**Medical Diagnoses & Status**

**COLUMBIA ASSESSMENT**

**1) Wished to be Dead:**

Have you wished you were dead or wished you could go to sleep and not wake up?: No

**2) Suicidal Thoughts:**

Have you actually had any thoughts of killing yourself?: No

**6) Suicidal Behavior Question:**

Have you ever done anything, started to do anything, or prepared to do anything to end your life?: Yes

Was this within the past three months? (please explain): No

**SUMMARY**

Service Modality: Non-Face-to-Face Service

**Current Medications:**

Medication:insulin aspart U-100 100 unit/mL subcutaneous solution

Start Date:10/24/2018

Dosage:

Frequency:

Medication:olanzapine 2.5 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time at bedtime for mood swings

Medication:sertraline 50 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time after breakfast for anxiety

**Plan**

Medication Changes: .

Next Appointment: Date

pm

E/M Level: 5

E/M Score: 5

Employee Signature

10/24/18 2:51 PM  
CONRAD DAUM - MD  
MD

Supervisor's Signature

Approved by CDAUM on 10/24/18  
CONRAD DAUM, MD, MD


**EXHIBIT 13**  
**for**  
EVIDENCE FOR  
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
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## Conrad Daum, MD

Psychiatrist

Radford, VA

Conrad Daum, MD is a Psychiatrist in Radford, VA. Conrad Daum completed their Residency at Wake Forest U Baptist Medical Center. Following their education, Conrad Daum was board certified by the American Board of Psychiatry.

Conrad Daum, MD does not participate in Zocdoc to offer online booking at this time.

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Psychiatrist

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## Education and background

### Specialties

Psychiatrist

### Board certifications

American Board of Psychiatry Certification in Psychiatry

American Board of Addiction Psychiatry Certification in Addiction Psychiatry

American Board of Forensic Psychiatry Certification in Forensic Psychiatry

American Board of Geriatric Psychiatry Certification in Geriatric Psychiatry

### Education and training

University Of Kentucky College Of Medicine (Medical School)

Wake Forest U Baptist Medical Center (Residency)

NPI number ⓘ

## Conrad Daum's office location



401 W Main St  
Radford, VA 24141

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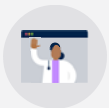
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# **EXHIBIT 14**

**for**

**EVIDENCE FOR**

**MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Thursday, January 20, 2022**



**JUSTICEFORUSWGO.WORDPRESS.COM**

EXHIBIT PAGE 154 OF 164  
IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Durham Division

Brian David Hill,  
Petitioner  
v.  
United States of America,  
Respondent

Case #  
1:13-CR-435-1  
1:17-CV-1036



STATUS REPORT  
OF PETITIONER  
SEPTEMBER 27, 2018

I, Brian David Hill ("Brian D. Hill", "Petitioner") in this § 2255 case, acting pro se in this manner, files this status report and Declaration updating the court for this case. Because of the current situation described herein, Petitioner requests a court appointed lawyer.

DECLARATION

I, Brian D. Hill, produce these statements, subject to the penalties of perjury under U.S. Code:

(1.) I am currently in Martinsville City Jail over a local criminal case and situation where it must be disclosed to the habeas court over what actually happened. Petitioner believes it is connected over the matter concerning and effecting this § 2255 case.

1

(2.) ON SEPTEMBER 18<sup>th</sup> 2018, Somebody was in the ~~the~~ thicket at the end of my neighbor's property and branches moved ~~the~~ whenever I looked in that direction. I was around the period when I was mowing the grass between the time period of 1 to 4 PM. That was a Tuesday. Likely surveilling me.

(3) On September 19, 2018, Wednesday, I called into a political talk show after Sandra Wilson invited me to call into a Family Court issues type of show on Blog Talk Radio, by a I believe it was a woman named Valerie K. Lazarus (hope I spelled it right). Told her about the fraud on the court concerning this case. We also spoke about the Americans with Disabilities Act and the one woman said how if I ~~have~~ had an IEP when I was in school, then they (I assume she meant police) can (or may) get in trouble for violating the Americans with Disabilities Act the way it was handled in regards to my criminal case.

(4) On September 20, 2018, Thursday, some of my memories may have been blacked out. I was under an extreme amount of stress and anxiety already due to the pre-filing injunction Motion. My whole family could tell. My mom had also noticed that my doors were not being kept locked. I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling something <sup>bad</sup> would happen to me.

I was able to go the Massanutten Resort from Monday to Thursday last week in Rockingham County, VA, in my district. I think it was between Sept. 10 through 13/2018 if I am correct from memory. My family noticed that I didn't want to go back home. As if something was terrifying in my psychological mind, and I haven't kept my door or doors locked. Around 11 I went walking beside the road on the sidewalk and as I was around a warehouse or some kind of building near or around the Martinsville, VA downtown area ~~area~~ near the hiking trail of "Dick and Willie", I was approached by a man in a hoodie, probably some time between 11 to 12 that night. I think maybe between 5 to 6 feet tall, maybe white told me "You ~~had~~ had better take your clothes off in public and take pictures of yourself and place the SD card around the bench ~~water~~ after the bridge..." "or ~~they~~ they would kill my mom Roberta Hill". At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches. I didn't want my mother to be killed. My weakness is my Mother. I gave a false confession in 2012 because of being told "You better fess up or else your mother would be held responsible." Whoever threatened me that night knew my weakness. If I walk to the police or don't do what that man said would my mom be shot full of holes while sleeping and killed?

be

I didn't know what to do. I kinda lost my mind when taking pictures of myself. If I didn't put on a good show would my mother be killed like the stuff in Hollywood action movies. I had a feeling it had something to do with the things brought up in my case. The threats from ~~torra~~ail.org messages which were successfully carried out. I knew I couldn't mess with these people, with a threat that serious. Out of fear and desperation I walked, were vehicles would see me with a hand gesture of my hand over my mouth. I was naked on the trail. I was trying to signal with that hand gesture that I was in trouble. I decided not to place the SD card at the bench, as how would they know? Maybe I could still go to the police and warn my mom. As I was walking back I saw a track with a spotlight on me with no way to tell who it was. I was scared so I ran and then noticed a red laser beam light like what private mercenaries, bad guys, and good guys all have. A light came on with a guy yelling at me. I didn't know who he was. I was scared it was them, going to kill me for not exactly following the hoatie guys directives. I ran, fell down the left side slope of the trail getting cuts and scrapes all over my body, until I fell in the ~~river~~ ~~bed~~ creek bed. They were down there and at that point I realized they were police.

I said over and over again while complying "I have Autism, I have Autism, I have Autism, I have Autism." I felt they couldn't hear me out. I said "I was attacked" told Sgt. R.D. Jones that I need to speak with a detective. It was probably around 3 to 4 AM at around Friday, September 21, 2018. He asked me why I was naked on the trail. I tried to explain to him as much of what happened as I could. He mistook my statement of heading towards the YMCA building with the warehouse and I told him "You don't understand Autism," maybe "are you trained in Autism?" Sgt. R.D. Jones said "how do I know you even have Autism?" I responded with Dennis Debbaut, a law enforcement trainer. He did a white paper. People with Autism can give false confessions and misleading statements. Officer you misunderstood what I said about the YMCA building," after or before my answer to his "how do I know you even have Autism?" was "it was in federal court records." He gave me that book where he didn't want to accept anything I said. He even said "If your lying to me, I will charge you with making (or filing) a false report." I looked at him straight in the eyes and said I am not lying, even told him something about "am I supposed to let my mother be killed" or something to that effect. He still wouldn't ~~even~~ accept what I had told him. I then told him "You don't understand Autism. You are violating title II of the Americans with Disabilities Act..."

5

I was being charged with "indecent exposure". I further told Sgt. R.D. Jones that I was going to win the jury trial and sue him for violating the ADA. Argument escalated to me saying to him "f\*ck You". At one point things cooled down and I was in a front of the TV with a Magistrate. She, the Magistrate, brought up about my federal criminal conviction and my 2015 Probation Violation. I explained to her that the case is under a habeas corpus 2255 review for my claim of "actual innocence" "actual innocence" or something to that effect. She assumed that it was some kind of an appeal. Told her that the probation violation was over U.S. Probation Officer Kristy L. Burton making false statements, which is perjury and may have mentioned that Anand Prakash Ramaswamy committed subornation of perjury, gave her the federal case number. Also mentioned about fraud on the court. I was given no bond that day. Was charged in Martinsville General District Court, case no. C18-3138. It might be named as Commonwealth of Virginia v. Brian David Hill. At one point I told Sgt. Jones that "you are not doing anything about the drug dealers in my (or our) neighborhood" that the FBI are not doing anything about the threats, I don't trust the police.

(5) On September 26, 2018, I had filed a request form for the jail directing that it be forwarded to MPD Sgt. R.D. Jones with more statements incl. a Declaration as evidence.

6

I explained that witness Roberta Hill had received a threatening "greeting card" postmarked Tennessee. She received some point (or some time) this year. It had no return address. Gave the officer her phone number.

Then I said under Declaration on the back of that "Request for Interview" form that my first received formail.org ~~mess~~ message said that I was set up with child porn, that Alex Jones... and others were next. <sup>my friends</sup>

(c)  
Some  
information  
omitted

I gave this federal criminal case number, cited Document #46 Declaration of Susan Basko. Then ~~told him a~~ told him in writing about the threatening message that was reported to J. Joy Strickland counsel to the N.C. Department of Justice. I explained that one part of the threatening email message said that I would be set up with violent sex crimes if I don't watch my back. If my mother being killed if I ~~didn't~~ didn't walked naked in public and take pictures, the "indecent exposure" charge may legally be defined as a "violent sex offense". The threats went from formail.org to being physical. I was set up with the violent sex crime of "indecent exposure" just like the 2013 formail threat said would happen.

While I am incarcerated my diabetic blood sugar reads are getting a lot of highs right now. In the 300's 400's, and 500's. I am suffering nerve pain, and other bad effects of high blood sugar.

The Court may request a copy of my September 26, 2018 filed "Request for interview" form from Martinsville, VA City Jail at P.O. Box 1326, Martinsville, VA 24112, or at 300 Clearview Drive, same city. That way that can expand the record for this § 2255 case.

(6) Petitioner requests that an attorney be appointed at this interval for his 2258 case since this incarceration is at a facility that:

(1) Has no law library. The Public Defender in Martinsville cannot represent me for this 2255 case;

(2) Paper and resources are highly limited as per Jail's "rules and regulations". Stamps and envelopes also limited. I won't be able to make valid pleadings compliant with this Court's rules while incarcerated and very limited access to resources needed for this case. I won't be able to properly cite court rules, case law, and statutes while incarcerated; or may

(3) While incarcerated I will not be able to bring up evidence if the habeas court requests;

(4) Be at a large disadvantage, which deprives me of due process under the 14th Amendment of U.S. Constitution. Being deprived of my ability to prove factual innocence in my 2255 case.

If the court cannot appoint court appointed counsel for this 2255 case, alternatively Petitioner asks this honorable Court to delay this 2255 case until Petitioner is not under incarceration.

(7) I make this PROCLAMATION to the hon. Court, to my Mother and family, to the U.S. Probation office, and to Martinsville District Court. The incident of "indecent exposure" is considered isolated and out of character. I swear under oath that it will never happen again. Charge is of a technical nature. I was threatened to get naked I never masturbated, it was a crazy ~~and~~ incident. Whoever threatened me needs to be charged and arrested. My mother hates me over what happened I'm sorry mom I was scared and didn't know what to do. I didn't want my mom to die. I am sorry for leaving around 11. The threats coming at me, the fear, the bad feeling in my gut. Next time I'm threatened I will report to police state police, and FBI. What I did on the hiking trail and leaving without telling my mom, will never ever happen again. I'm tired of the Legal Terrorism, the criminal threats, and being afraid. I just want to prove my actual innocence and move on with my life. I am tired of feeling afraid for my family and my life. It's tearing me apart. My family can tell my health is degrading. I provided so much evidence to the Habeas Court please let me prove my innocence, have an evidentiary hearing. I have facts of innocence. Let me prove it. People with Autism can be manipulated, easily threatened, abused.

(8) Before this charge, I was working on a ~~Rule~~ Rule 11 Motion for sanctions, case law Chambers v. Nasco Supreme Court case (fraud on the court), and citing state bar rule 3.8. I was going to show fraud on the court in the Respondent's factual basis of guilt, in their pre-filing injunction motion, and in the motion to dismiss.

I wanted to show the fraud on the court by Respondent give them 21 days (maybe 25 days) to respond before filing, then the court can decide under Chambers v. NASCO whether Respondent's Motions should be summarily denied. Subornation of perjury by Anand P. Ramaswamy is already a fraud on the Court in 2015. Respondent's resistance to me proving my innocence clearly violates Rule 3.8 of the state's Model Rules of Professional Conduct. N.C. State Bar. Rule 11 sanctions may be appropriate. I will serve them a rule 11 motion copy once released from jail. To resolve the issues between Respondent and Petitioner, Petitioner requests that the U.S. Attorney General appoint special counsel to represent Respondent for this \$2255 case.

Thank You!

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 27, 2018.

Respectfully filed with the court, this the 27<sup>th</sup> day of September, 2018. Brian D. Hill  
Signed

### CERTIFICATE OF SERVICE

Petitioner certifies that he dropped this status report in the Jail institution's mailbox on September 27<sup>th</sup> 2018, addressed to the Clerk, respectfully requests that all parties to the case are served by CM/ECF or by U.S. mailing. Petitioner asks Clerk to mail ~~the~~ letter certifying receipt of this pleading.

10

Brian D. Hill  
Signed

Brian David Hill  
Martinsville City Jail  
P.O. Box 1326  
Martinsville VA 24112

Clerk: Please send letter confirming receipt.

## Declaration and reCertificate of service

Brian David Hill v. United States ~~10~~ October <sup>10</sup> 2018

I Brian David Hill had mailed the wrong address and ~~is~~ refiled the "Status Report of Petitioner September 27, 2018" on October 10, 2018. The address was mailed to 324 W. Market Street, Suite 1, Martinsville, VA 24112. That address was incorrect. It should have been 324 W. Market Street, Suite 1, Greensboro, NC 27401.

So I recertify under the CERTIFICATE OF SERVICE that I file the pleading on Oct. 10, by depositing the pleading in an envelope prepaid in the Jail's mailing system. Again, I ask the Clerk to send me a letter acknowledging receipt of this pleading, and notify me which Document no.'s or I ask that my docket sheet be printed and sent to me showing my last ~~few~~ few entries.

I learned from Martinsville City Jail that I am limited by Jail policies to 1 short ink pen per month, 5 envelopes per week, no law library at all, and they have to destroy all envelopes including legal mail envelopes directed to inmates in MCJ. Envelopes are evidence but Jail officers can destroy envelopes including mail envelopes from Federal Courts. The Jail's policies seem unconstitutional and block me from continuing to ~~proceed~~ proceed in this 2255.

I ask that I be appointed a lawyer for my 2255.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2018.

Brian D. Hill  
Signed

U.S.W.G.O.

Brian David Hill  
Martinsville City Jail (MCJ)  
P.O. Box 1326, Martinsville, VA  
24112

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF,

v.

BRIAN DAVID HILL,  
DEFENDANT.

CASE NO: CR19000009-00

**WITNESS LETTER AND AFFIDAVITS IN SUPPORT OF**  
**DEFENDANT'S "MOTION FOR JUDGMENT OF ACQUITTAL**  
**BASED UPON NEW EVIDENCE WHICH COULD NOT BE**  
**ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE**  
**OF SPOILIATION OF EVIDENCE COMMITTED BY**  
**COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS**  
**AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER**  
**OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT**  
**TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY**  
**DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS**  
**OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED"**

COMES NOW the Defendant, BRIAN DAVID HILL ("Defendant"), by and through himself pro se, and submits additional pieces of evidence to this Honorable Court in support of Defendant's "MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE

(OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”.

DEFENDANT SUBMITS THE FOLLOWING EVIDENCE:

EVIDENCE ATTACHMENT	PAGE RANGE	DESCRIPTION
WITNESS LETTER #1	1-11 (6-16)	WITNESS LETTER FROM STELLA FORINASH
UNSWORN DECLARATION FROM ROBERTA HILL IN SUPPORT	12-15 (17-20)	UNSWORN DECLARATION FROM ROBERTA HILL IN SUPPORT

DEFENDANT SUBMITS THE FOLLOWING VIDEO EVIDENCE:

Also, the Defendant’s family had uploaded a YouTube video of testimony under Oath and demonstration of physical evidence for the Court. Defendant’s family uploaded that YouTube video of Defendant’s testimony video and provided him the link to the playable video with the Court until a physical DVD disc can be mailed at a later time to be filed by the Clerk as physical evidence. Defendant hereby submits this VIDEO EVIDENCE TESTIMONY UNDER OATH, UNSWORN DECLARATION UNDER VIRGINIA LAW.

Defendant submits this YouTube video link to the Judge and the Court as evidence:

<https://www.youtube.com/watch?v=5PMaIR45MSo> - Video Testimony of Brian David

**Hill on January 5, 2022 2nd Iteration**

Dated January 6, 2022

Disclaimer: Link and information were all given to Defendant by family and no internet was used to obtain the link text and description text used to present this evidence.

Respectfully submitted with the Court, This  
the 21st day of January, 2022.

*Brian D. Hill*  
*Signed*

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

**U.S.W.G.O.**

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



### **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

I hereby certify that a true and accurate copy of the foregoing Motion was faxed or emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to Probation Conditions of not being allowed to use the Internet) or delivered this 21st day of January, 2021, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
--	--

The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

  
Signed \_\_\_\_\_  
Brian D. Hill

**U.S.W.G.O.**



Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

Jan. 19, 2022

To Whom This May Concern:

I have been a witness Brian's entire life. I read the police report that Brian was medically and mentally cleared, and I have some questions to ask this court. How is it possible that someone who was diagnosed as having insulin dependent diabetes with seizures before the age of two years old and autism before the age of three and diagnosed with OCD miraculously be medically cleared? Brian has been on SSI Disability since 1992 due to his serious disabilities and remains on SSI to this day so even though we wished it was true that when the police arrested him, he was miraculously medically & mentally cleared, he wasn't. There is no longer carbon monoxide in his house since the chimney expert removed the tin, and there have been no more episodes of his being out of the house by himself at any time, and Brian continues taking his emergency supplies with him when he leaves the house. That night according to a later police testimony, Brian was so out of it that he had no emergency supplies, nothing that would have clued the policeman to the fact that Brian was a diabetic who required insulin, glucose tester and glucose tablets. Brian was not aware that he had diabetes that night, or he would have told the police. Once the court was aware of these severe medical problems, why did his court appointed attorneys refuse to obtain a medical expert witness after Brian's grandparents & mom offered to pay for this? Is this court aware that Brian has been on a medical Medicaid waiver since 2012 and was on this when arrested and continues to be on this as I write this letter as a witness for Brian?

We have obtained 2 hospital records during the time that he & his mom were exposed to carbon monoxide in their home. On the first hospital record his mom found him in bed as she went down to check his blood glucose level at night with blood all over him and all over the bed and a bad cut on his forehead. She called 9-1-1, but Brian refused to go to the hospital until after his 3 hour OCD routine. She called us to try to help him get to the hospital faster, but we all sat in the living room while he was in the kitchen for over 2 hours longer while he continued washing his hands, arms, hair, face – blood continued coming down his face. At one point he was vomiting during that time. At another point he was having bad leg cramps, but finally he let us take him to the hospital. While at the hospital emergency room for a few hours, they tested his blood glucose several times, did a lot of blood test including one for carbon dioxide and other test. We found out later he and his mom were living in a home with carbon monoxide from a natural gas heater and natural gas hot water tank – not carbon dioxide. They sewed his forehead with staples instead of nylon due to his extensive hand & face washing routine (OCD).

On the second hospital visit even though the hospital records clearly state that he has insulin dependent diabetes, seizure history, autism and OCD and that he was brought to the hospital by the police because he was out in the nude that night by himself for hours walking around trails. The hospital did not do one blood test to see what his blood glucose level was. Is it because that is normal for someone with type one insulin dependent diabetes with history of severe seizures when glucose goes low, autism & OCD to spend the night alone in the nude walking around a walking trail for hours miles from home without any medical emergency supplies? Someone who has never done

this before? Did the police & hospital think this was normal? I can tell you right now this was not normal activity for Brian, and while this was going on, all 3 of his care givers

were in bed asleep unaware until the police came knocking on the door at about 4 in the morning. They ordered blood test and other test to be done, then they deleted those test (Why?). This is clear neglect on the part of the hospital. More than once on this hospital report, the doctor ordered for Brian to see his doctor the next day for more tests.

I was in the court room in Winston Salem, NC, when I heard this police testify. Brian's court appointed attorney asked if he knew that Brian had insulin dependent diabetes. His answer was "No", he didn't know that". Brian's attorney asked him if he knew that Brian had OCD. His answer was "No". She asked him if he knew that Brian had autism. His answer was that Brian had told him that he had autism. When she asked him if he had any training in autism, it sounded like he knew what autism was but didn't have a lot of training. Does this sound like Brian was really medically & mentally cleared as the police report said? It sounds to me like negligence from the Martinsville police department. There is supposed to be laws for people with disabilities. Does it sound like the police department was negligent in their duties of obeying any of these laws? I didn't see anywhere that after Brian told the police he had autism that an expert was called to help. Brian contacted the police department and we did too as well as his court appointed attorney asking for them to give his attorney the body cam for proof that Brian was in bad shape that night. This never happened (Why?).

I also heard Brian's mom testify in the same court about the carbon monoxide exposure in their home for over a year and how that had affected both of them. Instead of obtaining a medical expert, the judge said that he would not accept her testimony because she was not an expert even though we sent to the court as a witness US government reports of what it is like to be exposed to carbon monoxide since the court refused to obtain an expert medical witness. Brian's probation officer was also a witness for Brian. Someone placed child porn on Brian's computer in 2012 and sent emails to Brian and others admitting doing it and admitted that they would see to it that Brian stayed convicted of child porn. We have read these, obtained copies and sent copies to the federal court. We saw the report from the NC SBI that there was child porn on Brian's computer that had been downloaded for one month before the police raid and for 11 months after the police confiscated Brian's computer which sounds like what they sent to Brian's computer was a virus with child porn. Brian is innocent, and we sent proof to the court of his innocence, pages of proof that the judge did not read because never once has the judge acknowledge us as witnesses. Regardless, our proof of his innocence is on federal court records since November, 2017.

Anyway, this is the reason Brian has a probation officer and the reason this case went to NC and the reason we were hearing the testimony from the police, Brian's caretaker (his mom) and his probation officer who has been a senior Federal probation officer for several years in Roanoke, Virginia. Brian's probation officer knew that Brian was an insulin dependent diabetic with seizure history, had autism and OCD and testified that he worked with Brian, Brian's mom and his grandparents with these issues. Apparently the judge did not believe that Brian's mom or federal probation officer were credible

witnesses. He believed the police who admitted in court that he had not been aware of Brian's diabetes or OCD and really did not know a lot about autism. This conflicts with his police report which says that Brian was medically and mentally cleared. Brian's diabetes requiring insulin (since 1992), seizures (since 1992), autism (since 1993) and OCD are well confirmed in hospital and many medical records. We have seen this judge several times and believe after reading many threats Brian and others had received that this judge is owned by whoever has sent these threats to Brian in 2012, 2013 & 2015, Brian's mom in 2017-2018 and an attorney friend from another state in 2015 who wrote a letter to the court that Brian was innocent of knowingly having child porn in 2013, and we have seen a threat against Brian sent to his friend in 2012 because Brian at the time had an alternative news (USWGO) network which was a hobby he enjoyed and a chance to communicate with others, and they wanted to shut all of this down in 2012. We have seen threats sent to other alternative news people in 2013, threatening sending child porn to them to shut down their alternative news (and actually sending it, but they found it and sent to the FBI). Brian didn't see the ones on his computer. Many judges we have found out are compromised, and Brian's autism and other medical problems keep being ignored by them so that is why Brian has become very suspicious of some judges who are ignoring his constitutional rights as well as his medical history and most important proof we have in court that he is actually innocent.

Hospital did no glucose test on a type 1 insulin dependent diabetic who was walking around in the nude by himself all night. That is big time negligence by our local emergency room hospital, and the proof is on the hospital records. We have copies if

you want to see them, or you can get the hospital records yourself from the hospital. There are no results of any testing done for carbon monoxide exposure that night as well as no glucose tests were done, no testing to see if someone put drugs in his body, no testing at all from this hospital. We saw Brian's wall & especially his ceiling deteriorate & come down (Under his mom's fireplace). His probation officer commented about it. Roberta kept saying she was so tired and didn't know why. Brian complained that he was tired, couldn't think straight and kept forgetting things. Both complained of headaches (Haven't heard anything before this exposure or after this exposure about them being tired or having a lot of headaches). Roberta's head was shaking during this time. Brian's autism & OCD were getting worse, and we found out Brian took off at night by himself to go miles from home without any diabetic medical supplies and without any hand sanitizers which he always keeps with him, says he met someone in a hoody who sounded like a white guy who told him to take his clothes off and take photos of himself **or his mom** (his only caregiver – grandparents are emergency backups elderly & disabled too) **will be killed**. The police in court shows a pink camera which Brian never used a pink camera. He always takes his big black camera with him when he goes places with us. We picked up a backpack that was smaller than Brian uses and one that his mom had never seen before. Brian kept walking around for hours in the nude by himself like he didn't know how to put his clothes on. In 31 years of knowing Brian, this is the first time anything like this has happened. We would not have woken up for a few hours so we don't know what would have happened to Brian if the police had not found him, but they turned this into a criminal offence when it was clearly

a medical emergency. The Martinsville police & the Martinsville Hospital were clearly negligent in their duties that night.

I just thought that unless you or a member of your family has any of Brian's medical diagnosis, you might not understand Brian's complicated medical history, and why we say "There is no way that police report is correct unless Brian has been cured which he is not". The next 5 pages will explain Brian's medical history which is well documented in the hospital where the police took him as well as all medical records since 1992 including in the Social Security system, the Virginia Medicaid, and are still being documented by his diabetic endocrinologist specialist. My email address is [kenstella@comcast.net](mailto:kenstella@comcast.net).

Sincerely,

Stella B. Forinash

Brian Hill's grandmother

201 Greyson St

Martinsville, VA 24112

What is insulin dependent diabetic? For those who don't know: **Type 1 diabetes (previously called insulin-dependent or juvenile diabetes) is usually diagnosed in children, teens, and young adults, but it can develop at any age.**

**Type 1 diabetes is less common than type 2—approximately 5-10% of people with diabetes have type 1.**

**What are diabetic seizures? For those who don't know. A diabetic seizure is a serious medical condition and without emergency treatment, it has proven to be fatal. Extremely low levels of sugar in the diabetic's blood cause these seizures. That is why it is so important for those who have diabetes to monitor and control their blood sugar.**

**What is brittle diabetes? Brian has been diagnosed with this by a few doctors. For those who don't know. Brittle diabetes occurs when diabetes is especially difficult to manage. Diabetes can be hard to manage for many reasons: Doctors have explained to us that Brian's autism – developmental problems & his diabetes works against each other causing brittle type 1 diabetes in him. People with brittle diabetes experience sudden and frequent changes in blood glucose levels for no obvious reason. The swings lead to hypoglycemia or hyperglycemia.**

**What is HYPOGLYCEMIA? Hypoglycemia is a condition in which your blood sugar (glucose) level is lower than normal. Symptoms: Unconsciousness; Shakiness.**

**What is HYPERGLYCEMIA? High blood sugar (hyperglycemia) affects people who have diabetes. Several factors can contribute to hyperglycemia in people with diabetes, including food and physical activity choices, illness, nondiabetes medications, or skipping or not taking enough glucose-lowering medication. It's important to treat hyperglycemia, because if left untreated, hyperglycemia can become severe and lead to serious complications requiring emergency care, such as a diabetic coma. In the long**

**term, persistent hyperglycemia, even if not severe, can lead to complications affecting your eyes, kidneys, nerves and heart.**

What is Autism? For those who don't know. **Autism, or autism spectrum disorder (ASD), refers to a broad range of conditions characterized by challenges with social skills, repetitive behaviors. Autism is a complex, lifelong developmental disability that typically appears during early childhood and can impact a person's social skills, communication, relationships, and self-regulation.**

What is OCD? For those who don't know. **Obsessive fear of germs or dirt and the compulsion to wash the hands over and over is one of the most common manifestations of obsessive-compulsive disorder (OCD). For people who suffer from OCD, hand washing goes well beyond a concern with cleanliness. It is extreme behavior whose real purpose is to lessen intense feelings of fear and anxiety. Oh, yes, I forgot to mention that Brian has also been diagnosed as having "Anxiety".**

What is SSI? **SSI stands for Supplemental Security Income. Social Security administers this program. They pay monthly benefits to people with limited income and resources who are disabled, blind, or age 65 or older. Blind or disabled children may also get SSI. To get SSI, you must meet one of these requirements: Be age 65 or older. Be totally or partially blind. Have a medical condition that keeps you from working and is expected to last at least one year or result in death. Brian has been receiving an SSI disability check since 1992 (well documented) and still receives them.**

What is a Virginia Medicaid Waiver? For those who don't know: **Virginia's Medicaid Waivers pay for a variety of supports and services for children and adults with developmental disabilities and their families who need long-term support systems to live successfully in the community rather than in institutional settings. Brian is on this list because it has more benefits in case his mom is no longer able to assist. The one that he has been on since 2012 which pays his mom to be his caregiver 40 hours a week (The rest of time she is a volunteer) is an EDCD waiver.**

What is carbon monoxide exposure? For those who don't know. **Overview. Carbon monoxide poisoning occurs when carbon monoxide builds up in your bloodstream. When too much carbon monoxide is in the air, your body replaces the oxygen in your red blood cells with carbon monoxide. This can lead to serious tissue damage, or even death. Carbon monoxide is a colorless, odorless, tasteless gas produced by burning gasoline, wood, propane, charcoal or other fuel. Improperly ventilated appliances and engines, particularly in a tightly sealed or enclosed space, may allow carbon monoxide to accumulate to dangerous levels. If you think you or someone you're with may have carbon monoxide poisoning, get into fresh air and seek emergency medical care. This went on for over a year. Roberta (Brian's mom's) apartment is 1500 sq ft, and Brian's apartment below his mom's is the same size, but every time they used their heater or the hot water heater, they were exposed with a build up after a year of exposure.** Continued exposure to carbon monoxide can **cause permanent brain, nerve, or heart damage.** Some people require years to recover while others might never fully recover. Does carbon monoxide make you hallucinate?

These can include agitation, confusion, depression, lethargy, impulsiveness, **hallucinations**, confabulation, distractibility, and memory problems. Visual disturbances and seizure, as well as fainting (syncope), can also be related to carbon monoxide toxicity. Can carbon monoxide poisoning change your personality? Personality changes **may occur**,<sup>6</sup> and case studies have described prominent depression, anxiety, and irritability several years after accidental CO poisoning. Residual cognitive deficits, executive dysfunction, and impairments in memory and concentration may all contribute to deterioration in mood.

There is a lot more information about it on this USA government site:  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2707118/>

## **Bill requiring consideration of autism, mental illness in criminal justice system passes in Virginia**

Posted: Feb 10, 2021 / 08:02 PM EST / Updated: Feb 11, 2021 / 11:11 AM EST

RICHMOND, Va. (WRIC)- Advocates say a law that bars Virginia courts from fully considering a person's disability or mental illness is causing defendants with autism to fall through the cracks.

<https://www.wric.com/news/bill-requiring-consideration-of-autism-mental-illness-in-criminal-justice-system-passes-in-virginia/>

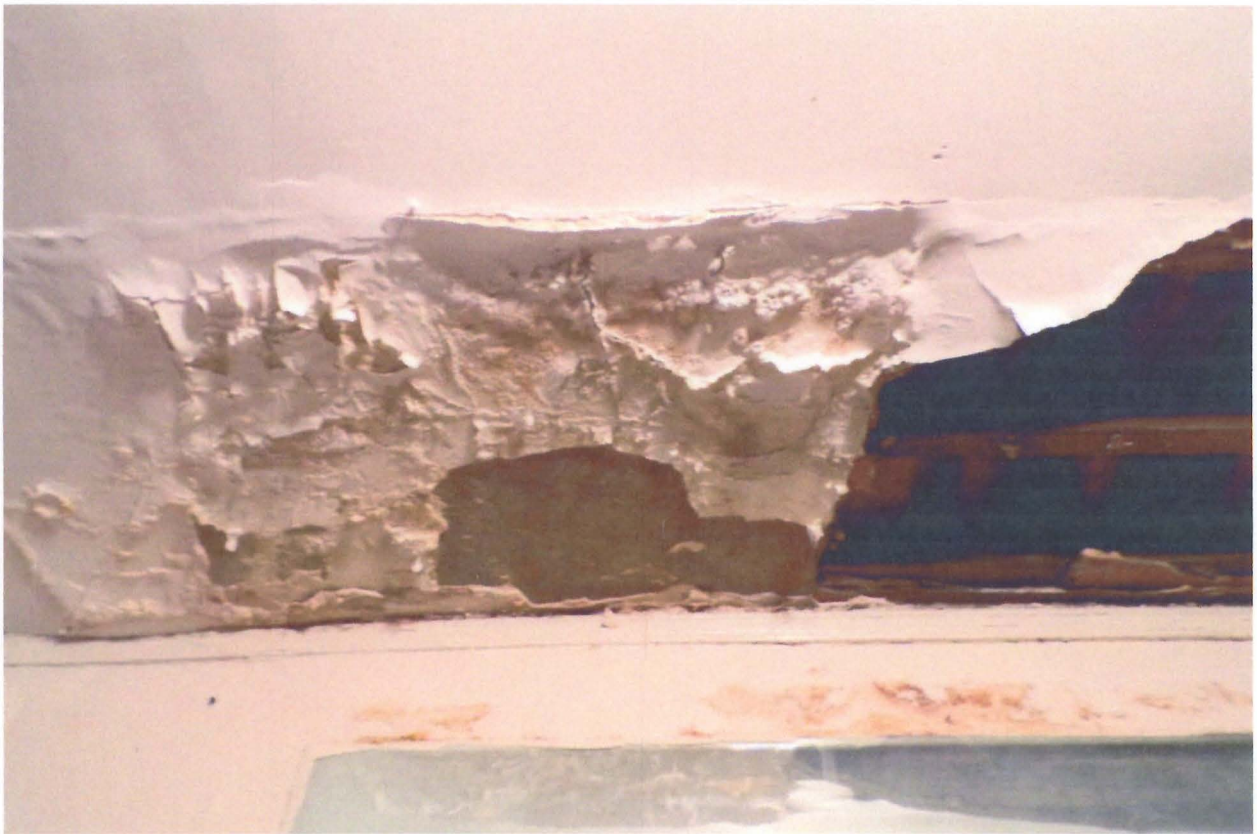
)  
 )  
**Brian David Hill,**  
 )  
**Petitioner/Defendant**  
 )  
 )  
**v.**  
 )  
 )  
**Commonwealth of Virginia,**  
 )  
**Respondent/Plaintiff**  
 )  
 )  
 )

**Criminal Action No. CR19000009-00**  
  
**Civil Action No. \_\_\_\_\_**

I, Roberta Hill, being first duly sworn upon oath, do hereby depose and state:

On January 20, 2019, I had a fireplace expert named Pete Compton of ACE Chimney & Wildlife come out to check on some water damage near the fireplace and he found out that the chimney had been completely covered in tin. He told me that carbon monoxide was coming into my apartment and my son's apartment. He said it condenses and that is what was causing the water damage in the ceiling next to the fireplace in my son's apartment.

1 | Page





I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of January, 2022.



Signed

Roberta Hill

310 Forest Street, Apartment 1  
Martinsville, Virginia 24112  
(276) 790-3505

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF,

v.

BRIAN DAVID HILL,  
DEFENDANT.

CASE NO: CR19000009-00

AMENDED EVIDENCE OR  
AMENDED MEMORANDUM

**2ND WITNESS LETTER; AMENDMEDED WITNESS LETTER; LEGAL**  
**ARGUMENTS AND AFFIDAVITS IN SUPPORT OF DEFENDANT'S**  
**“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW**  
**EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME**  
**OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF**  
**EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA;**  
**REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW**  
**HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING**  
**COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA**  
**FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL**  
**EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE,**  
**ALSO LIKELY DESTROYED” --- COURT CAN CONSTRUE AS AN**  
**AMDNEDED MEMORANDUM IN SUPPORT OF MOTION**

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and submits AMENDED additional pieces of evidence to this Honorable Court in support of Defendant's “MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF

SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”.

**NOTE to Hon. Giles Carter Greer:**

1. Defendant is aware of things after reviewing over the case files which were given to him by the Office of Court appointed lawyer Matthew Scott Thomas Clark (“Mr. Clark”), case files turned over to Defendant on November 19 or 20, 2019.

2. Defendant is willing to submit under oath that the Defendant Brian David Hill had spoken with Mr. Clark sometime in September 2019 or October 2019, at his office. You can ask Mr. Clark for the dates of when Defendant had met with Mr. Clark for discussion of the case.

3. Defendant had asked Mr. Clark about the body-camera footage, and Mr. Clark had said that it was destroyed, or he cannot get the body-camera footage for Defendant’s case. He explained that the Martinsville Police Department had an evidence retention period for the body-cameras recorded by the Police, and it concerned the body-camera footage. He might have said around 6 months retention period, but the Defendant is not sure how of the number of months as per their policy. Defendant felt that it didn’t make sense as there was pending litigation of a criminal matter and so the general evidence retention period before destruction of evidence as per Martinsville Police policy or anything of that nature should not have applied to the body-camera footage on September 21, 2018, because of a pending criminal charge in the Court. Mr. Clark tried to insist Defendant to move on from that by claiming to Defendant and his family during

the meeting that the body-camera footage may hurt his case by pushing for it. That logic makes no sense and here is why.

1. If the body-camera footage recorded on September 21, 2018, was going to hurt Brian's case, then the Police Officer and the Commonwealth Attorney would have openly used this footage on December 21, 2018, against the Defendant during the General District Court trial. If that footage was so hurtful and would have presumably harmed the case of Brian David Hill in the Circuit Court, they would have openly retained that footage and submitted it as an Exhibit for their case in chief for the Jury Trial. They would have filed a notice to use such evidence. They did not, in fact Defendant kept writing asking for the body-camera footage and those letters were ignored instead.
2. The footage would have shown the facial features and horrible medical state of Brian David Hill at the time of him being questioned by Officer Robert Jones. It would have possibly shown discolored lips which is a symptom of Carbon Monoxide Gas poisoning. It would have shown the cuts and abrasions over Brian's body when he was questioned as to why he was naked. It would have proven that Brian David Hill was not medically cleared. If a psychologist like Dr. Rebecca K. Lochrer, PhD had reviewed over the body-camera footage, she may have had a different opinion on Brian's sanity at the time of the alleged incident. She may have decided Brian was insane at the time. The body-camera footage would have drawn very serious questions about Brian's health and wellbeing after Officer Robert Jones made a blatant false statement under oath that Brian David Hill was psychologically and medically cleared at the time of his arrest on September 21, 2018.

4. Judge Greer, the body-camera footage was destroyed to prevent you, prevent the jury, and prevent the officers of the Court from reviewing over the body-camera footage which would have drawn statements under oath by Robert Jones of MPD to possibly being that of perjury or false statements before the Court. The body-camera footage was video recorded evidence and is irrefutable. That is why Defendant believes it was destroyed, to prevent the affidavit of Robert Jones and his statements of Brian being medically cleared from going into conflict with the graphic video of Brian naked with cuts and abrasions on his body needing serious medical attention. The Jury would have saw the cuts and abrasions on Brian's body in the body-camera footage and would wonder why he was discharged from the Hospital so early, so quickly, without even checking his diabetic blood glucose and checking the laboratory results of the blood specimen. Instead, the bloodwork was destroyed, and the Commonwealth Attorney knew it or should have known it. They did not want the jury to see the appearance which conflicts with the previous statement under penalty of perjury by Robert Jones of Brian being medically and psychologically cleared as claimed under oath.

5. The lawyer Matthew Clark, Mr. Clark, had made excuses and he insinuated as if it was okay for the Martinsville Police to destroy evidence because that evidence may somehow hurt Brian Hill in his Circuit Court case, but if that was the case then they wouldn't have destroyed the body-cam footage. It appears as though Matthew Clark was afraid to file a request for a contempt proceeding against Glen Andrew Hall, maybe out of fear of retaliation. Brian David Hill does not fear retaliation by Glen Andrew Hall because Brian David Hill needs to be found innocent of his charge in order for his Supervised Release Violation to be overturned in Federal Court.

6. Defendant needs to be found innocent; it is more than just a misdemeanor. Defendant needs to prove his innocence; it is his need and will. Glen Andrew Hall contended that it is only a misdemeanor in his letter to the Court of Appeals of Virginia dated April 1, 2021. Court appointed attorney John Ira Jones, IV appointed to the appeal

had never shown Defendant that letter filed by Glen Andrew Hall on April 1, 2019. Defendant was never given an opportunity to respond to the false statements in that letter making accusations against Defendant. Glen Andrew Hall is wrong that it is only a misdemeanor. He knows this, he knew Defendant is under Supervised Release and would face Federal Arrest, just like when Mr. Hall had falsely pushed the capias knowing that Defendant was under arrest as per his Federal Probation conditions and would be arrested by the Feds. He knows and had lied to the Court of Appeals of Virginia in contending that Defendant is only convicted of a “misdemeanor”. It is not just a “misdemeanor”, it is a Federal Supervised Release Violation with it. Defendant is aware of this letter after Roberta Hill made a email request to the Deputy Clerk for the Appeal Records of his criminal appeals, prior to Defendant’s intention of filing a Petition for the Writ of Actual Innocence if necessary for overturning the wrongful conviction in the future. Defendant disagrees with the Commonwealth claiming that Defendant is frivolous and contending that Defendant is only convicted of a “misdemeanor” when it is more than that. If Defendant is legally innocent of this “misdemeanor”, then this does affect the Supervised Release Violation charge and conviction in Defendant being innocent of that charge as well. Both are interlocked. Both are involved here whether Glen Andrew Hall admits this or not. If Defendant is found legally innocent of the State charge, then he is innocent of the Federal Violation.

7. Overall, it seems like the body-camera footage would have helped Brian David Hill win, shown perjury by Officer Robert Jones making out in his statement under oath in the General District Court, it’s Chief Complaint, that Brian was psychologically and medically cleared, when the body-camera footage would have proven perjury of Officer Robert Jones. A few hours in a hospital with cuts and abrasions all over Brian Hill’s body would disprove claim of medical clearing. Defendant has shown his cuts and abrasions to his family on September 21, 2018, at the Hospital, he showed the abrasions on his stomach area. So, the body-camera footage would discredit Officer Robert Jones

and the Officer would have lost in General District Court, and that would include Commonwealth Attorney Glen Andrew Hall.

8. Defendant also saw in the case files re: Brian David Hill's case which Matthew Clark had kept during the pendency of the criminal case in the Circuit Court and General District Court case files, an attempt by the Commonwealth Attorney to push for a capias against Brian David Hill on January 28, 2019, for failure to appear. Brian likes to state as fact as was brought out by the Sheriff's Office, Brian David Hill was placed on a Federal Detainer on November 15, 2018, and was arrested by the U.S. Marshals Service on December 22, 2018. Defendant was arrested by the U.S. Marshals Service according to Federal Court document attached to this AMENDED EVIDENCE PLEADING. This is prime facie evidence that the Corrupt Commonwealth Attorney Glen Andrew Hall pushed for a capias against Brian David Hill knowing that Brian David Hill was in federal custody and under a Federal Detainer on November 15, 2018. Glen Andrew Hall knew the Feds took him away and still pushed for a CAPIAS against Brian David Hill knowing that Brian David Hill was going to be transferred by release to the Feds, not out of Jail. So, Glen Andrew Hall had defrauded the Court, Judge Greer. It is time for Glen Andrew Hall to face something similar to a capias. Glen Andrew Hall should be facing sanctions for lying to a judge or judges. He continues lying or making false or erroneous claims.

9. He pushed for a "failure to appear" knowing that Brian David Hill was in federal custody at the time. The Sheriff's Office knew that Brian David Hill would not be released from Jail to be free but released to the U.S. Marshals Service or the "Feds" is what they are called.

10. I am aware of the email printed out by Matthew Clark or printed out and given to Matthew Clark somehow saying "Re: Brian David Hill", "The Sheriff's Office

confirmed the Feds picked Mr. Hill up out of our custody. Once the Feds are finished with Mr. Hill they will let us know and he will be brought back and placed in the custody of the Martinsville City Jail to await his Misd. Appeal.” That was submitted by Nancy Sherman.

11. The Federal Detainer on the last page of the attached pieces of evidence for the Hon. Giles Carter Greer prove that Brian David Hill had been served or at least the Martinsville City Jail had been served as well as Brian David Hill with a Federal Detainer on November 15, 2018. Would they notify the Commonwealth Attorney Glen Andrew Hall, Esq. about this Federal Detainer??? You can bet your money on the fact that they were notified about the Federal Detainer. Yet this Commonwealth Attorney had pushed for a capias knowing that Brian David Hill was technically in Federal custody since November 15, 2018.

12. Glen Andrew Hall has been a dirty enough attorney to push for a capias in earlier 2019 through Nancy Sherman or Jeanie Nunn knowing that the Feds had detained Brian David Hill.

13. What is Defendant getting at here? That the Court can work both ways. If the Commonwealth Attorney alleges that Glen Andrew Hall or his office believes that Defendant Brian David Hill should be charged with a capias for simply being whisked away by Federal Marshals against his will and was forcefully detained against his will and put in Federal Correctional Institution at Butner, North Carolina to undergo a Court ordered mental evaluation which was ordered in Dec 26, 2018 (Order Committing Defendant for Psychiatric Evaluation as to Brian David Hill Psychiatric Exam due by 2/9/2019. An order was later put in extending the mental evaluation). So, it is clear that there was no capias here, because Defendant was not free and there was no bond at the time. The Commonwealth Attorney knew all of that and yet acted like it didn’t happen and tried to push for a failure to appear.

14. That the Court can work both ways. If the Commonwealth can push for a capias for a situation that does not warrant such push, then the Defendant asks for the Commonwealth to be held in contempt of Court three times, for violating the Court Order asking for the discovery materials.

15. The Commonwealth Attorney and its witness Officer Robert Jones or Police Chief Officer G. E. Cassady knew about the request for body-camera footage. The reason why is because any letters mailed by Brian David Hill to the Martinsville Police during the pending case get forwarded to the Commonwealth Attorney. So, they all had known about the police body-camera footage. They knew Brian kept repeatedly asking for the body-camera footage.

16. Luckily FCI Butner, North Carolina had a photocopying machine for inmates, and luckily Brian's family mailed or put in a money order with enough money to pay for commissary items for Brian David Hill to buy copier cards to make photocopies of letters he had mailed to Police Chief G. E. Cassady asking for the body-camera footage repeatedly. Brian knew how important the body-camera footage was, and the Order for Discovery asked by you, your honor. You asked in your Order dated February 6, 2019 for the evidence which included the body-camera footage to be turned over the defense.

17. You said in your order dated February 6, 2019:

**“(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to § 19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and, breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case,”** (citations reformatted by Defendant, including usage of underline and bold markings to show areas of citation)

18. You said this in your written order, Hon. Giles Carter Greer. Defendant kept requesting over and over again for the body-camera footage during the video retention period and that footage should not have been destroyed during the pending criminal case litigation. That itself violates your Order and the Order of the General District Court on November 28, 2018.

19. Since the Commonwealth pushed for a capias for Defendant being in Federal Custody against his will and that shows that he could not possibly appear on January 28, 2019, the Feds would not allow Defendant to appear before your Court and the Commonwealth knew of that, and the Federal Detainer lodged against Martinsville City Jail which is under the authority of the Sheriff's Office in November 15, 2018, they knew Brian David Hill was not going home after the Trial in the General District Court, they knew Brian would have been in Fed custody but Glen Andrew Hall lies and makes out like Brian David Hill failed to appear as if willfully when that was a LIE, a big fat lie.

20. Since they were pushing for any contempt or capias or anything against Brian David Hill in 2019 for any possibly non-compliance with any Order of this Court or any Trial or hearing of this Court while Defendant was in federal custody, it will be the right thing to do to for Defendant to push for this Court to CHARGE Glen Andrew Hall with willfully violating Court Orders three different times, and for possibly lying to this Court.

21. It is the right thing to do to sanction Glen Andrew Hall, whether Defendant requests such or not. Lying to a Judge is not the right thing to do. Glen Andrew Hall is a liar. He lied in the Court of Appeals of Virginia in his STATEMENT OF FACTS in his OPPOSITION BRIEF to Defendant's Petition for Appeal (one of his petitions) that Brian worn "boots" when he was arrested for being naked. The Affidavit in the COMPLAINT by Officer Robert Jones never mentioned boots but was wearing shoes, the CRIMINAL COMPLAINT. So, it can be proven to you Hon. Giles Carter Greer that Attorney Glen

Andrew Hall is a liar, and that he had defied the General District Court's order dated November 28, 2018, and had defied your Circuit Court orders.

22. This is an AMENDED evidence and MEMORANDUM, and the letter was amended by Stella Forinash to include more relevant information here since the Commonwealth wanted to paint a picture of Brian David Hill which is untrue. Brian David Hill wanted to make sure that the Witness Letter is amended from the original one submitted on January 21, 2022.

23. There is one more piece of evidence Defendant submits to the Hon. Giles Carter Greer proving that the Defendant was not going to be able to have any appeal in the event if Defendant lost the Jury Trial on December 2, 2019, or if any Continuance was requested by Court appointed defense Attorney Matthew Scott Thomas Clark. It proves that the Feds interfered with the Criminal Trial process in this State Court, in violation of the Tenth Amendment of the United States Constitution. This piece of evidence was proof to the Circuit Court as to one of different reasons why Defendant had filed a Motion to withdraw his Appeal on November 12, 2019. The Feds did not respect the Trial De Novo and pushed for quick detainment of Brian David Hill and almost would have succeeded had Brian Hill or his attorney not orally spoken up regarding Brian David Hill's jury trial on December 2, 2019. Had it not been brought up orally by Renorda Pryor the Attorney for Defendant in the Federal case, they would have taken Brian Hill away again on September 12, 2019, and the Jury Trial would have been conducted without Brian Hill because the Feds would have taken Brian away in disrespect of the Circuit Court by the North Carolina Federal Judge, the Feds disregard for the Circuit Court, the Feds disregard for the Trial De Novo process, and the Feds disregard for the authority of Virginia.

24. The Hon. Giles Carter Greer should know that the Federal Court in Greensboro and Winston-Salem, North Carolina did not respect Virginia Law, the Federal Court did not respect the case law interpretations of the Court of Appeals of Virginia and neither of the Supreme Court of Virginia, they did not respect the Jury Trial process of the Circuit Court. Even Hon. Thomas David Schroeder said in transcript that: "So even if he were found not to be guilty beyond a reasonable doubt in a criminal court, that would not necessarily preclude this Court from finding him guilty on a preponderance basis because that's the burden of proof." Basically, the Federal Judge in Winston-Salem, North Carolina is disregarding the Virginia law laws and disregarding the findings of fact and law by the Circuit Court of Virginia or any Court law by Virginia, **complete usurpation of power by the Federal Court to coerce Brian to withdraw his appeal in the State Court.** This unconstitutional usurpation of power by the Federal Court as evidenced justifies that the withdrawing of appeal was not valid due to coercion by the Federal Court because Defendant was coerced by the Federal Court's assertion that Virginia law does not determine his guilt when the whole Supervised Release violation was over whether Brian Hill had violated Virginia Law or not. This is proof of coercion by Hon. Thomas David Schroeder for Brian to withdraw his appeal in Virginia. Page 9 of that Transcript in Exhibit 4 (EXHIBIT PAGE 38 and 39 OF 164 of the original Motion) the Motion for Judgment of Acquittal. It appears that the Federal Court did not respect the State Court process and refused to let Defendant go through his appeals. The Courts of Appeals are the main Courts of Law and judge the law rather than judging the facts. So, if a Court of Appeals found Defendant innocent, as a matter of law, then a Federal Judge had no Constitutional right to find Defendant in violation of his Supervised Release. It is no longer about a jury; it is about whether Defendant is legally innocent of Virginia Code § 18.2-387. Indecent exposure. The Federal Court interfered and thus forced Defendant to withdraw appeal, forced him into a situation.

25. Defendant has evidence of an audio recording between him and his attorney Matthew Scott Thomas Clark, and will file a copy with the Court upon request. This recording is not verbally stated as confidential, and there was no waiver of consent by Brian David Hill to record this conversation. Consent was given by Brian David Hill to record his own conversation. That audio recording was recoded by Defendant under one party consent statute and that audio recording is also being used in Defendant's 2255 Motion in Federal Court. Defendant has recorded the conversation with Mr. Clark where Mr. Clark insinuated that the Federal Supervised Release Violation and its final judgment rendered on September 12, 2019, may or may not affect the State case. Used that as another excuse to coerce Defendant to withdraw his appeal in the Circuit Court. Defendant is ready to present an Audio CD with such recording, provide a copy to the Commonwealth and to the Judge and to the Clerk upon request to expand the record. Defendant maintains this piece of evidence. This proves interference by the Federal Judge to coerce a withdraw of appeal. Not just coercion but Matthew Clark had asserted in the audio recording, that jurors from the Bible Belt will be coming in to the Trial and will wonder why he was out there naked, asserting that the Bible Belt jurors would want him convicted, the way he insinuated his arguments to Defendant to give up and withdraw appeal. Coercion is not an acceptable way to have somebody plead guilty or withdraw appeal. Coercion is not acceptable and was not done out of free will. Interference and coercion to have Defendant withdraw appeal is not rightful.

26. The Feds had set it up where Defendant would have to turn himself in to the Feds regardless of whether Brian David Hill had filed a continuance or not in the Circuit Court to find an expert witness or witnesses. Then if Defendant had arguably lost his Trial on December 2, 2019 and was arrested by the Sheriff after the verdict, he would have been charged with failure to appear in Federal custody by December 6, 2019, as ordered by Hon. Thomas David Schroeder. So, the Defendant had no ability to ask Matthew Clark to file a Motion with the Circuit Court for a continuance or go through on

State Appeal without interference because then that would likely have caused another request for a *capias*, either way he was doomed somehow and had no free will ability to prove his innocence in the State Court due to the interference by Judge Schroeder and it had caused Matthew Clark to coerce Defendant to give up fighting in the State. If Defendant had been arrested after any jury verdict of guilty, he would have gotten in trouble by the Federal Marshals because Judge Schroeder did not wait until after the State Appeals and the Courts of Law legal process would have gone through. If the Defendant had requested a continuance with the State Court, Defendant cannot guarantee appearance due to the Federal Court ordering Defendant to turn himself in to Federal Prison on December 6, 2019, to serve his Imprisonment without respecting the Virginia case laws. If the Jury Trial had lasted for more than four days, then the Defendant would be in legal trouble with the Feds for failure to turn himself into the Federal Prison on December 6, 2019. Either way, the Defendant was put in a bad position, and he is proving to the Court with this new evidence that the Feds have caused a lot of interference with the State Trial process. It's ironic, the whole Supervised Release Violation was over whether Brian had violated Virginia Law but didn't allow the Trial De Novo and it's legal interpretations of law to fully develop. This is interference by the Federal Court and the State Court needs to consider this fact as well for degerming whether the Defendant's Motion to Withdraw of Appeal was caused by coercion and interference.

27. Normally a Federal Court is supposed to exercise Judicial Restraint on interfering with a State Court Trial process until the State is done with a criminal defendant and all appeal or appeals exhausted, through comity or abstention. The Federal Court refused to let the Hon. Giles Carter Greer of this Circuit Court conduct full facts and legal contentions of whether Brian David Hill was guilty or innocent of Indecent Exposure, as a matter of law. So, the situation got tricky and required Defendant to withdraw appeal so that he could report to Federal Prison on December 6, 2019.

28. Defendant had multiple issues on why he was forced to withdraw appeal. He deserves a New Trial or Judgment of Acquittal or both.

29. Defendant wants this Court to understand that Defendant had no ability to file a continuance and had limited options because of the Imprisonment Order over the alleged charge on September 21, 2018 in the General District Court. The Defendant did not have any expert witnesses lined up partially because Matthew Clark claimed that Glen Andrew Hall would not approve of any request for payment of such expert witnesses to be paid for by the State. Defendant's grandparents agreed to pay for the expert witness for Brian Hill to fight to be found innocent, but Matthew Clark did not establish any expert witnesses and did not ask the Court for a continuance because he knew that the Defendant was revoked of Supervised Release and likely knew that Defendant was going to Federal Prison on December 6, 2019. So, the Defendant did not have the ability to clear his name in the Circuit Court in 2019. The Defendant has plenty of time for a new trial if the Judge wishes to construe his Motion as a request for a New Trial under Rule 3A:15. A judgment of Acquittal would be appropriate for clear cut evidence and law demonstrating innocence. When the law specifies clear-cut what proving lack of intent is, then having the evidence to support such law makes the FACT clear-cut and necessary for acquittal regardless of the verdict of guilty in the General District Court. The law makes it clear-cut that if Defendant has met a certain criteria, that criteria makes it a legal defense of no-intent. The clear-cut statutory reasoning makes the Defendant actually innocent aka legally innocent of his charge.

30. The evidence and law are clear cut thanks to “§ 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth.” It is clear cut with the mental evaluation as ordered by the General District Court for competency that it demonstrated evidence of Autism Spectrum Disorder at the time of the charge. It is clear cut that the Indecent Exposure statute says, “Every person **who intentionally** makes an obscene display or exposure of his person”.

31. It is clear cut under the Law that proof of Autism Spectrum Disorder “shall be admitted if such evidence (i) tends to show the **defendant did not have the intent required** for the offense charged”. It is clear cut. Prior to this 2021st law, the finding of intent was up to the Trier of Fact, aka the Judge or Jury. That would make the interpretation of “intent” difficult to sustain as a fact of “non-intent” without a trier of fact in a Jury Trial or Bench Trial who tries the fact of disputed claims such as the defense attorney claiming that the Defendant did not have the intent to commit an act. When it is not clear cut, a Jury Trial or Bench Trial is best to let the trier of fact determine whether there was intent or not. That was prior to this new law. The Court of Appeals panel ruled in their opinion for the dismissal of Brian’s Petition for Appeal, that it is up to the trier of fact, because prior to Virginia Code “§ 19.2-271.6. Evidence of defendant's mental condition admissible...” that was the case law standard. That 2021st Virginia law could not have been brought up on direct appeal because the original Record on Appeal did not have those arguments preserved with exception to Brian David Hill preserving his Actual Innocence claim and that law had not existed at that time for that direct appeal of his criminal conviction. Defendant did not just file a Motion to Withdraw Appeal, Defendant had asked to preserve issues of his INNOCENCE even after the Court accepted the withdrawing of his appeal. He is innocent and the new Virginia Law supports his innocence.

32. However, that law had changed how a Court may rule on intent. Case law of Virginia involving “Intent” element decisions was not clear cut at the time based on older case law prior to the new law giving a clear cut definition of showing proof of a lack of intent. It would require a JURY TRIAL, prior to this law. Intent is now based on whether Defendant had Autism Spectrum Disorder at the time of the alleged incident. That was proven by the mental evaluation for competency, that Defendant had Autism Spectrum Disorder at the time of the alleged charge and offense allegation.

33. However, the new Virginia Law makes it clear cut in regards to the “INTENT” element that Defendant does not have the intent because of his Autism Spectrum Disorder pursuant to Virginia Code § 19.2-271.6. The lack of intent codified under § 19.2-271.6 now makes it possible that proving Autism Spectrum Disorder at the time of the alleged charge and incident, would prove that the Defendant did not have the intent required under Virginia Code § 18.2-387. Indecent exposure. It is not to be figured out by the Trier of Fact, it is now a matter of law as to whether the Defendant has “actual” “intent” or not. Did he actually have intent when he suffered and continues suffering from a permanent disability such as Autism Spectrum Disorder??? That is up to the law now and not the trier of fact. Defendant can be acquitted based on law and as a matter of law.

34. Defendant makes it clear with the evidence and the additional evidence submitted by the Defendant that the Circuit Court cannot convict Defendant of violating Virginia Code § 18.2-387. Indecent exposure. This Court as a matter of law must enter a judgment of acquittal or new trial or Writ of Actual Innocence based upon the evidence admitted by the Court regarding the sanity and competency evaluation proving that Brian David Hill had Autism Spectrum Disorder and Obsessive Compulsive Disorder under expert witness evaluator Dr. Rebecca K. Lochrer, PhD, the new evidence to be admitted by the Court pursuant to Virginia Code § 19.2-271.6. The Commonwealth of Virginia did not object to the original witness testimony of Dr. Rebecca K. Lochrer, PhD. At the time her evaluation report could not have been used as evidence of Defendant’s innocence because that evaluation was only to determine sanity and/or competency. However, her report to the General District Court admitted that Defendant had Autism Spectrum Disorder. That was not disputed by the Commonwealth Attorney

since the evaluation was originally conducted to determine sanity and competency. The law had changed.<sup>1</sup>

35. It is clearcut that the Circuit Court erred by accepting the withdraw of appeal. It is clearcut that the Defendant is innocent due to Virginia Code § 19.2-271.6. Proof of Defendant lacking intent is clearcut due to Virginia Code § 19.2-271.6 due to law instead of based upon the trier of fact based on older case law prior to the passage of § 19.2-271.6. The intent element can never be proven due to prima facie evidence of Autism Spectrum Disorder, pursuant to Virginia Code § 19.2-271.6. There was no law of § 19.2-271.6 in November 18, 2019, and December 21, 2018, there was no law with a clear-cut criminal defense on intent and thus under older law it would have been up to a Jury as to whether or not Brian Hill had intent to violate Virginia Code § 18.2-387. Indecent exposure. Now with a statute making a clear-cut definition that somebody with an Autism Spectrum Disorder at the time of the alleged offense charge does not have the “intent” necessary to convict the Defendant of violating any Virginia law requiring intent (except any law violations ever marked as excluded from such defense) including Virginia Code § 18.2-387. Defendant had demonstrated that he is legally innocent of Virginia Code § 18.2-387. Defendant cannot have any intent due to his Autism Spectrum Disorder as raised by the clear cut statutory provisions of law.

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<sup>1</sup> For the sake of brevity, Defendant will not reproduce the findings in the sealed report (report under SEAL) from Dr. Rebecca K. Lochrer of both the evidence that Brian David Hill had suffered from an Autism Spectrum Disorder at the time of the alleged offense allegation and that proof the qualified evaluator was not objected to by the Commonwealth Attorney. Defendant hereby incorporates by reference, as if fully set forth herein, all pages of the SEALED mental evaluation report as evaluated and was filed in the General District Court.

36. The Commonwealth Attorney had deceived the Court regarding the spoliation of evidence and/or about the capias while Defendant was in Federal custody as if it was necessary after the Federal Detainer filed with the Martinsville City Jail on November 15, 2018, and the Arrest Warrant that the U.S. Marshals arrested Brian Hill on December 22, 2018. Defendant had demonstrated that the Commonwealth Attorney did allow and permit spoliation of evidence despite the multiple letters asking the Martinsville Police Department to send the body-camera footage to the defense counsel or permit the defense counsel access to or a copy of it. Defendant made photocopies of those letters to the Police Chief regarding the body-camera footage because the Federal Prison FCII Butner had a photocopying machine for inmates for those who purchased copier cards from the Prison Commissary and Brian David Hill had commissary money to buy copier cards to make copies of letters mailed to G. E. Cassady, the Police Chief of the City of Martinsville. Defendant had demonstrated that Glen Andrew Hall either deceived the Court or allowed destruction of evidence in violation of the three Court Orders or both.

**DEFENDANT SUBMITS THE FOLLOWING EVIDENCE:**

EVIDENCE ATTACHMENT	PAGE RANGE	DESCRIPTION
AMENDED WITNESS LETTER #1	1-10 (27-36)	WITNESS LETTER FROM STELLA FORINASH
UNSWORN DECLARATION FROM ROBERTA HILL IN SUPPORT	11-14 (37-40)	UNSWORN DECLARATION FROM ROBERTA HILL IN SUPPORT
WITNESS LETTER #2	15-22 (41-48)	WITNESS LETTER FROM KENNETH R. FORINASH
WARRANT FOR ARREST OF SUPERVISED RELEASE	23-23 (49-49)	WARRANT FOR ARREST OF

VIIOLATOR In December 22, 2018, PROVING CAPIAS WAS WRONGFUL		SUPERVISED RELEASE VIOLATOR In December 22, 2018, PROVING CAPIAS WAS WRONGFUL
PHOTOCOPY OF SERVED FEDERAL ARREST DETAINER DATED NOVEMBER 15, 2018	24-24 (50-50)	PHOTOCOPY OF SERVED FEDERAL ARREST DETAINER DATED NOVEMBER 15, 2018
JUDGMENT AND COMMITMENT, Supervised Release Violation Hearing dated October 7, 2019	25-26 (51-52)	JUDGMENT AND COMMITMENT, Supervised Release Violation Hearing (WHOLE ORDER, two pages of 16 page Federal filing but the rest aren't relevant and material to the facts presented in this pleading)

52 pages total

#### DEFENDANT SUBMITS THE FOLLOWING VIDEO EVIDENCE:

Also, the Defendant's family had uploaded a YouTube video of testimony under Oath and demonstration of physical evidence for the Court. Defendant's family uploaded that YouTube video of Defendant's testimony video and provided him the link to the playable video with the Court until a physical DVD disc can be mailed at a later time to be filed by the Clerk as physical evidence. Defendant hereby submits this VIDEO EVIDENCE TESTIMONY UNDER OATH, UNSWORN DECLARATION UNDER VIRGINIA LAW.

Defendant submits this YouTube video link to the Judge and the Court as evidence:

<https://www.youtube.com/watch?v=5PMaIR45MSo> - Video Testimony of Brian David

**Hill on January 5, 2022 2nd Iteration**

Dated January 6, 2022

Disclaimer: Link and information were all given to Defendant by family and no internet was used to obtain the link text and description text used to present this evidence.

**DEFENDANT SUBMITS THE FOLLOWING AUDIO EVIDENCE:**

<https://archive.org/details/e-3-20190924130648-i-2766344000> - Digital audio file of what is being filed in Federal Court in the new 2255 Motion. As part of Exhibit 3 in Brian's Federal 2255 Motion: An Audio CD disc (digital audio file located at the link given by Brian's family to present to the Court for quickly review by the Judge) containing a 21 Minute, 25 Seconds audio clip of a phone call conference recording between Brian David Hill 276-790-3505 and Attorney Matthew Scott Thomas Clark 276-634-4000. Dated September 24, 2019. File reports time of 2:27PM. Attorney/client privilege for this audio waived. Audio for Exhibit 3 for usage in Federal 2255 Motion and for Martinsville Commonwealth case as well.

37. Audio evidence proves that the Federal Court's interference with the revocation had triggered a change in Attorney Matthew Clark to insist that Defendant withdraw his appeal and accept the decision of the General District Court.

38. Defendant recommends to Hon. Giles Carter Greer that the Court can work both ways not just against Defendant or against Plaintiff, but that the other side also be held accountable. Plaintiff being attorney Glen Andrew Hall who represents the Commonwealth of Virginia. Defendant recommends that it is time for Glen Andrew Hall

to be held accountable for willful disregard of this Court's multiple Orders asking for the discovery evidence materials which includes the body-camera footage and preserving evidence of biological sample of blood obtained from Defendant on September 21, 2018. Normally evidence is destroyed to cover up or omit something. It is logical to believe that is so.

39. Normally if a criminal defendant or an individual destroys evidence of a crime, a criminal defendant or an individual who destroys evidence of a crime can face more charges for destroying evidence or obstructing justice to prevent a police officer from finding evidence of a crime. What about if the Commonwealth or Martinsville Police Department destroys evidence pursuant to a criminal investigation or charge??? Will the Commonwealth be held to the same standard as an individual who arguably destroys evidence to obstruct a Police Officer's ability to find evidence of a crime?

40. It is logical to believe that the blood vials obtained on September 21, 2018, were destroyed and that biological evidence was destroyed either by willful neglect, incompetence, or outright cover up.

41. The Commonwealth knew that Brian David Hill was involved with the Feds and the Federal Detainer filed with Martinsville City Jail gave them a few months to document and have record or records proving that Brian David Hill was in Federal Custody, and yet he pushed for a capias for January 28, 2019. Defendant filed an Americans with Disabilities Act request while in Western Virginia Regional Jail which would have clued Glen Andrew Hall in that Defendant was in a jail and not free to appear before the hearing on January 28, 2019. Yet Glen Andrew Hall disregarded whatever records or evidence may have been served upon him by the Clerk of the Circuit Court showing Defendant in detainment and Mr. Hall had treated it as if Defendant was not in custody to even push for a capias.

42. Also, another piece of evidence is with the staff of the Circuit Court. Review over email: “RE: Request for ADA Accommodation” by “Donna Morris <dmorris@vacourts.gov>”; email date: “Thursday, January 17, 2019 3:16 PM””. That email as part of the Record of the Circuit Court “CORRESPONDECE” would have also been served with the Office of the Commonwealth Attorney and the Public Defender. It said an ADA Accommodation request was mailed from Brian David Hill “#00-21123, Western Virginia Regional Jail”. This also proves that Defendant was in Federal custody or some kind of custody in January 2019, and that Glen Andrew Hall should have reasonably known as this as the Commonwealth’s Attorney gets notifications from any of the pro se filings from Brian David Hill. Glen Andrew Hall pushed for a capias knowing that Brian David Hill was in custody. Glen Andrew Hall pushed for things under false pretenses. This is extremely concerning that we have such a Commonwealth Attorney being blatantly and patently dishonest and allowing destruction of evidence under his watch knowing that such evidence may disprove the Commonwealth’s case, it may prove that Defendant could not have been medically cleared in such a short period of time with cuts and abrasions all on his body when being filmed by the body-camera footage making statements. It is necessary that the Court move to punish Glen Andrew Hall, Esquire. He has lied about different things regarding Defendant and/or his case for far too long and Defendant cannot take this anymore. Defendant will not stand for this and be compelled to pay any legal fees for his only source of income protected under 42 U.S. Code § 407 - Assignment of benefits, Defendant is judgment proof according to the Social Security law. It doesn’t mean the Defendant is free of debt, but no Court may demand money protected from such garnishment or levying or any other court process. Defendant is the victim here. That is a separate issue and will not matter if Defendant is acquitted or found innocent by the Circuit Court. Acquittal will mean the legal debt will probably be entirely erased and any pending appeals can be dismissed for being moot. Defendant is the victim of the Commonwealth and their violations of Court Orders. This Court is the victim of

non-compliance by the Commonwealth with such Orders. Defendant complies with coming to every hearing as ordered by the Court. **Defendant had only not shown up at a hearing due to being in Federal custody which was against Defendant's will and the Feds did not respect making sure that Brian Hill would appear. The feds failed to make Brian appear and the Feds are at fault here.** Defendant was compliant with turning himself in to Martinsville City Jail by request of his lawyer Scott Albrecht after the Federal Court released Brian D. Hill and the Federal Marshals forgot to tell the State Court, that is on them, that is on the Feds. Brian Hill complies with any request of this Court. The Feds don't play by the rules and the Feds don't play by this Court's rules. The feds are their own power and authority, they are a different concern and Defendant should not be punished for anything the Feds had caused or problems that the Feds had created.

43. It is Glen Andrew Hall who needs to face justice and he needs to face accountability for violating the Court Orders, for allowing destruction of evidence during a pending criminal litigation, for not filing a response to the Court's Order regarding the destruction of evidence to come clean about the destruction of any evidence. Glen Andrew Hall could have filed a letter informing the Court that the body-camera footage was destroyed and made some excuse as to why. They didn't do any of that. Defendant has a valid reason for not appearing on January 28, 2019, he was in Federal Custody and the Sheriff's Office admitted he was in Federal custody because that same Sheriff's Office through Martinsville City Jail received a Federal Detainer for arrest on November 15, 2018. So, Defendant has clear and convincing evidence that the Commonwealth Attorney had no justification for a capias or failure to appear. They know that because they are corrupt. Glen Andrew Hall must be held accountable, they must. The evidence weighs heavily in favor of Brian David Hill.

Brian David Hill must be acquitted, found innocent, and his charge dismissed forever with prejudice.

Respectfully submitted with the Court, This  
the 24th day of January, 2022.

Brian D. Hill  
*Signed*

Brian D. Hill  
Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

## **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

I hereby certify that a true and accurate copy of the foregoing AMENDED

MEMORANDUM was faxed or emailed/transmitted by my Assistant Roberta Hill at  
[rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to Probation Conditions of not being allowed to use the  
Internet) or delivered this 24th day of January, 2021, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

**U.S.W.G.O.**



Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

Jan. 20, 2022

To Whom This May Concern:

I have been a witness Brian's entire life. I read the police report that Brian was medically and mentally cleared, and I have some questions to ask this court. How is it possible that someone who was diagnosed as having insulin dependent diabetes with seizures before the age of two years old and autism (PDD) before the age of three and diagnosed with OCD miraculously be medically cleared? Brian has been on SSI Disability since 1992 due to his serious disabilities and remains on SSI to this day so even though we wished it was true that when the police arrested him, he was miraculously medically & mentally cleared, he wasn't.

There is no longer carbon monoxide in his house since the chimney expert removed the tin in Jan. 2019, and there have been no more episodes of his being out of the house by himself at any time, and Brian continues taking his emergency supplies with him when he leaves the house. That night according to a later police testimony, Brian was so out of it that he had no emergency supplies, nothing that would have clued the policeman to the fact that Brian was a diabetic who required insulin, glucose tester and glucose tablets. Brian was not aware that he had diabetes that night, or he would have told the police. Once the court was aware of these severe medical problems, why did his court appointed attorneys refuse to obtain a medical expert witness after Brian's grandparents & mom offered to pay for this? Is this court aware that Brian has been on a medical Medicaid waiver since 2012 and was on this when arrested and continues to be on this as I write this letter as a witness for Brian?

We have obtained 2 hospital records during the time that he & his mom were exposed to carbon monoxide in their home. On the first hospital record on 11/19/2017 his mom found him in bed as she went down to check his blood glucose level at night with blood all over him and all over the bed and a bad cut on his forehead. She called 9-1-1, but Brian refused to go to the hospital until after his 3 hour OCD routine. She called us to try to help him get to the hospital faster, but we all sat in the living room while he was in the kitchen for over 2 hours longer while he continued washing his hands, arms, hair, face – blood continued coming down his face. At one point he was vomiting during that time. At another point he was having bad leg cramps, but finally he let us take him to the hospital.

While at the hospital emergency room for a few hours, they tested his blood glucose several times, did a lot of blood test including one for carbon dioxide and other test. We found out later he and his mom were living in a home with carbon monoxide from a natural gas boiler heater and natural gas hot water tank – not carbon dioxide. But

apparently to do that test, the hospital suspected something, and when you read the hospital report from what they found that night, you read the symptoms of both carbon dioxide & carbon monoxide. They sewed his forehead with staples instead of nylon due to his extensive hand & face washing routine (OCD).

On the second hospital visit (9/21/2018) even though the hospital records clearly state that he has insulin dependent diabetes, seizure history, autism and OCD and that he was brought to the hospital by the police because he was out in the nude that night by himself for hours walking around trails and had a knee injury. The hospital did not do one blood test to see what his blood glucose level was. Is it because that is normal for someone with type one insulin dependent diabetes with history of severe seizures when glucose goes low, autism & OCD to spend the night alone in the nude walking around a walking trail for hours miles from home without any medical emergency supplies? Someone who has never done this before? Did the police & doctor on duty at the hospital that night think this was normal? I can tell you right now this was not normal activity for Brian, and while this was going on, His care giver (and his 2 caregivers in case of emergencies) were in bed asleep unaware until the police came knocking at his mom's door at about 4 in the morning. They ordered blood test and other test to be done, then they deleted those test (Why?). This is clear neglect on the part of the hospital. More than once on this hospital report, the doctor ordered for Brian to see his doctor the next day for more tests knowing Brian was going to jail.

I was in the court room in Winston Salem, NC, when I heard this police testify. Brian's court appointed attorney asked if he knew that Brian had insulin dependent diabetes. His answer was "No", he didn't know that". Brian's attorney asked him if he knew that Brian had OCD. His answer was "No". She asked him if he knew that Brian had autism. His answer was that Brian had told him that he had autism. When she asked him if he had any training in autism, it sounded like he knew what autism was but didn't have a lot of training. Does this sound like Brian was really medically & mentally cleared as the police report said? It sounds to me like negligence from the Martinsville police department. There is supposed to be laws for people with disabilities. Does it sound like the police department was negligent in their duties of obeying any of these laws? I didn't see anywhere that after Brian told the police he had autism that an expert was called to help. Brian contacted the police department, and we did too as well as his court appointed attorney asking for them to give his attorney the body cam for proof that Brian was in bad shape that night. This never happened (Why?).

I also heard Brian's mom testify in the same court about the carbon monoxide exposure in their home for over a year and how that had affected both of them. Instead of obtaining a medical expert, the judge said that he would not accept her testimony because she was not an expert even though we sent to the court as a witness US government reports of what it is like to be exposed to carbon monoxide since the court

refused to obtain an expert medical witness. Brian's probation officer was also a witness for Brian. Someone placed child porn on Brian's computer in 2012 and sent emails to Brian and others admitting doing it and admitted that they would see to it that Brian stayed convicted of child porn. We have read these, obtained copies and sent copies to the federal court. We saw the report from the NC SBI that there was child porn on Brian's computer that had been downloaded for one month before the police raid and for **11 months after the police confiscated Brian's computer** which sounds like what they sent to Brian's computer was a virus with child porn. Brian is innocent, and we sent proof to the court of his innocence, pages of proof that the judge did not read because never once has the judge acknowledge us as witnesses. Regardless, our proof of his innocence is on federal court records since November, 2017.

Anyway, this is the reason Brian has a probation officer and the reason this case went to NC and the reason we were hearing the testimony from the police, Brian's caregiver (his mom) and his probation officer who has been a senior Federal probation officer for several years in Roanoke, Virginia. Brian's probation officer knew that Brian was an insulin dependent diabetic with seizure history, had autism and OCD and testified that he worked with Brian, Brian's mom and his grandparents with these issues. Apparently the judge did not believe that Brian's mom or federal probation officer were credible witnesses. He believed the police who admitted in court that he had not been aware of Brian's diabetes or OCD and really did not know a lot about autism. This conflicts with his police report which says that Brian was medically and mentally cleared.

Brian's diabetes requiring insulin (since 1992), seizures (since 1992), autism (since 1993) and OCD are well confirmed in hospital and many medical records. We have seen this judge several times and believe after reading many threats Brian and others had received that this judge is owned by whoever has sent these threats to Brian in 2012, 2013 & 2015, Brian's mom in 2017-2018 and an attorney friend (Attorney Susan Basko) received several in 2015 as Brian was fighting in court to prove his innocence. She wrote a letter to the court that Brian was innocent of knowingly having child porn in 2014, and we have seen a threat against Brian sent to his friend in 2012 because Brian at the time had an alternative news (USWGO) network which was a hobby he enjoyed and a chance to communicate with others, and they wanted to shut all of this down in 2012. We have seen threats sent to other alternative news people in 2013, threatening sending child porn to them to shut down their alternative news (and actually sending it, but they found it and sent to the FBI). Brian didn't see the ones on his computer. Many judges we have found out are compromised, and Brian's autism and other medical problems keep being ignored by them so that is why Brian has become very suspicious of some judges who are ignoring his constitutional rights as well as his medical history, not allowing a medical expert witness to testify and most important ignoring the proof we have in court that he is actually innocent.

Hospital did no glucose test on a type 1 insulin dependent diabetic who was walking around in the nude by himself all night. That is big time negligence by our local emergency room hospital, and the proof is on the hospital records. We have copies if you want to see them, or you can get the hospital records yourself from the hospital: Sovah Health – Martinsville; 320 Hospital Drive, Martinsville, VA 24112 – Phone # 276-666-7200. There are no results of any testing done for carbon monoxide exposure that night as well as no glucose tests were done, no testing to see if someone put drugs in his body, no testing at all from this hospital.

We saw Brian's wall around his fireplace & especially his ceiling deteriorate & come down (Under his mom's fireplace). His probation officer commented about it. Roberta kept saying she was so tired and didn't know why. Brian complained that he was tired, couldn't think straight and kept forgetting things. Both complained of headaches (Haven't heard anything before this exposure or after this exposure about them being tired or having a lot of headaches). Roberta's head was shaking during this time. Brian's autism & OCD were getting worse, and we found out Brian took off at night by himself to go miles from home without any diabetic medical supplies and without any hand sanitizers which he always keeps with him, says he met someone in a hoody who sounded like a white guy who told him to take his clothes off and take photos of himself **or his mom** (his only caregiver – grandparents are emergency backups elderly & disabled too) **will be killed**.

The court showed a pink camera which Brian never used a pink camera. He always takes his big black camera with him when he goes places with us. We picked up a backpack that was smaller than Brian uses and one that his mom had never seen before. Brian kept walking around for hours in the nude by himself like he didn't know how to put his clothes on. His clothes were in the backpack we picked up, but no emergency medical supplies were in it. In 31 years of knowing Brian, this is the first time anything like this has happened. We would not have woken up for a few hours so we don't know what would have happened to Brian if the police had not found him, but they turned this into a criminal offence when it was clearly a medical emergency. The Martinsville police & the Martinsville Hospital were clearly negligent in their duties that night.

If you know the many things that people with autism can do, this is one (wandering away from home at night): Even though the hospital did not test for carbon monoxide when he was arrested, and none of us were aware of the exposure until months after Brian was arrested, our family saw Brian's autism getting worse after all of the years of improvement. Since he has been home and away from carbon monoxide exposure, he still has autism, but not as bad as during this exposure. We don't worry that he will again take off by himself without his emergency medical supplies. After the arrest, we worried that he would do it again if we brought him back to his home and were begging

the Piedmont Community Services in Martinsville to get him removed from jail and in a hospital or other safe place, but they failed us and Brian miserably too.

Here is an article I found that might explain this. It says: "Because our nervous systems are bringing in lots and lots of information, we autistics often get over stimulated. Also, when we have lots of toxins flowing through our bloodstream, we tend to be much more inflamed, irritable, reactive, and friable than most people are. Anything that happens around us registers louder for us than for non-autistics and the stimulation affects us more. Now, there are two reasons for running away. If you think about it, any child who runs away, autistic or not, will be either running away from something, or running towards something. Many people on the autistic spectrum have post-traumatic stress disorder. There is a very, very close relationship between these two diagnoses. The body language of those of us autistics who are very tense is quite close to the body language of people with post-traumatic stress disorder.

When you're considering an autistic who runs away regularly, they're either running away from something that they are over stimulated, afraid or angry about, or they're running towards something attractive. Many of us autistics will run to green spaces, or run to water. There's a good reason for that. Autistics find natural areas — and the wilder, the better — to be extremely calming, to allow and enable much more comprehension and integration of what's going on around us. Indoor environments can be toxic and over stimulating. This is the article I am referring to & video:

<https://thrivewithautism.ca/2013/11/01/why-are-autistics-hyperactive-and-why-do-we-run-away/>

This did happen to Brian one time when he was little. We were next door neighbors, and in the middle of the night, Brian came to our house. He was wearing his pajamas. His mom put special locks at the top of the door, but now he is tall, and that wouldn't work. Knowing his autism had gotten worse and not knowing about the carbon monoxide exposure for about a year at the time of Brian's arrest, we were afraid he would run away again and asked our local Piedmont for help, but they did not get Brian out of jail, and we have found out that they know very little about autism. There should be records to confirm this at the Piedmont Community Services; 24 Clay St., Martinsville, VA 24112-2810. Phone # 276-632-7128, and the fax # 276-632-0127. We were keeping Brian's probation officer informed at all times. You see, if you have an autistic child or adult who runs away, this is scary and dangerous, but if this is an adult with autism who has brittle diabetes and has severe seizures, and no one is there to provide something sweet, this person will die. We knew this had nothing to do with "intent to commit a crime" but was a medical emergency. On days when Brian is more autistic, we can't get through to him and with the carbon monoxide exposure, we were having more days like that. Most days, we can communicate well when his autism is milder. I will note here that most days now, it is milder, and we communicate well thanks to the chimney expert who removed the tin so the carbon monoxide would go outside of their house.

I just found a webpage to help explain the legal process for those with autism. It deals with the part of what is considered a criminal act, and that is "intent". Today, courts are

dealing with instances of Autism Spectrum Disorder (ASD) as it relates to criminal intent but approaches vary, as there is no uniform or legislative pronouncement on how this disorder relates to “mens rea”. <https://www.purdueglobal.edu/blog/criminal-justice/autism-and-the-criminal-justice-system/> Although most with an ASD will not commit crimes, courts must understand how to handle requests to admit expert testimony in those cases where a criminal defendant shows signs and symptoms (or a diagnosis) of ASD. NOTE: We have asked attorneys in federal court and Virginia courts to provide this expert medical witness and offered to pay for the one in Virginia, but all have ignored our request so not one of Brian’s court appointed attorneys have really helped him, and from what I understand in the federal courts, some attorneys have tried but were flatly turned down by the judge. Brian had to pull out of the Virginia case because it was getting close to a jury trial, and Brian’s court appointed attorney had no expert medical witness and no witnesses for Brian even though we made this request in the very beginning and even offered to pay for it if the state refused to pay.

I just thought that unless you or a member of your family have any of Brian’s medical diagnosis, you might not understand Brian’s complicated medical history, and why we say “There is no way that police report is correct unless Brian has been cured which he has not”. The next 4 pages will explain Brian’s medical history which is well documented in the hospital where the police took him as well as all medical records since 1992 including in the Social Security system, the Virginia Medicaid, and are still being documented by his diabetic endocrinologist specialist. My email address is [kenstella@comcast.net](mailto:kenstella@comcast.net).

Sincerely,

Stella B. Forinash

Brian Hill’s grandmother

201 Greyson St

Martinsville, VA 24112

What is **insulin dependent diabetic**? For those who don’t know: **Type 1 diabetes (previously called insulin-dependent or juvenile diabetes) is usually diagnosed in children, teens, and young adults, but it can develop at any age. Type 1 diabetes is less common than type 2—approximately 5-10% of people with diabetes have type 1.**

What are **diabetic seizures**? For those who don’t know. **A diabetic seizure is a serious medical condition and without emergency treatment, it has proven to be**

fatal. Extremely low levels of sugar in the diabetic's blood cause these seizures. That is why it is so important for those who have diabetes to monitor and control their blood sugar.

What is **brittle diabetes**? Brian has been diagnosed with this by a few doctors. For those who don't know. Brittle diabetes occurs when diabetes is especially difficult to manage. Diabetes can be hard to manage for many reasons: Doctors have explained to us that Brian's autism – developmental problems & his diabetes works against each other causing brittle type 1 diabetes in him. People with brittle diabetes experience sudden and frequent changes in blood glucose levels for no obvious reason. The swings lead to hypoglycemia or hyperglycemia. What is **HYPOGLYCEMIA**? Hypoglycemia is a condition in which your blood sugar (glucose) level is lower than normal. Symptoms: Unconsciousness; Shakiness. What is **HYPERGLYCEMIA**? High blood sugar (hyperglycemia) affects people who have diabetes. Several factors can contribute to hyperglycemia in people with diabetes, including food and physical activity choices, illness, nondiabetes medications, or skipping or not taking enough glucose-lowering medication. It's important to treat hyperglycemia, because if left untreated, hyperglycemia can become severe and lead to serious complications requiring emergency care, such as a diabetic coma. In the long term, persistent hyperglycemia, even if not severe, can lead to complications affecting your eyes, kidneys, nerves and heart.

What is **Autism**? For those who don't know. Autism, or autism spectrum disorder (ASD), refers to a broad range of conditions characterized by challenges with social skills, repetitive behaviors. Autism is a complex, lifelong developmental disability (PDD) that typically appears during early childhood and can impact a person's social skills, communication, relationships, and self-regulation.

What is **OCD**? For those who don't know. Obsessive fear of germs or dirt and the compulsion to wash the hands over and over is one of the most common manifestations of obsessive-compulsive disorder (OCD). For people who suffer from OCD, hand washing goes well beyond a concern with cleanliness. It is extreme behavior whose real purpose is to lessen intense feelings of fear and anxiety. Oh, yes, I forgot to mention that Brian has also been diagnosed as having "**Anxiety**".

What is **SSI**? SSI stands for Supplemental Security Income. Social Security administers this program. They pay monthly benefits to people with limited

income and resources who are disabled, blind, or age 65 or older. Blind or disabled children may also get SSI. To get SSI, you must meet one of these requirements: Be age 65 or older. Be totally or partially blind. Have a medical condition that keeps you from working and is expected to last at least one year or result in death. Brian has been receiving an SSI disability check since 1992 (well documented) and still receives them.

What is a **Virginia Medicaid Waiver**? For those who don't know: **Virginia's Medicaid Waivers** pay for a variety of supports and services for children and adults with developmental disabilities and their families who need long-term support systems to live successfully in the community rather than in institutional settings. Brian is on this list because it has more benefits in case his mom is no longer able to assist. The one that he has been on since 2012 which pays his mom to be his caregiver 40 hours a week (The rest of time she is a volunteer) is an EDCD waiver.

What is **carbon monoxide exposure**? For those who don't know.

**Overview.** Carbon monoxide poisoning occurs when carbon monoxide builds up in your bloodstream. When too much carbon monoxide is in the air, your body replaces the oxygen in your red blood cells with carbon monoxide. This can lead to serious tissue damage, or even death. Carbon monoxide is a colorless, odorless, tasteless gas produced by burning gasoline, wood, propane, charcoal or other fuel. Improperly ventilated appliances and engines, particularly in a tightly sealed or enclosed space, may allow carbon monoxide to accumulate to dangerous levels. If you think you or someone you're with may have carbon monoxide poisoning, get into fresh air and seek emergency medical care. This went on for over a year. Roberta (Brian's mom's) apartment is 1500 sq ft, and Brian's apartment below his mom's is the same size, but every time they used their heater or the hot water heater, they were exposed with a build up after a year of exposure. Continued exposure to carbon monoxide can **cause permanent brain, nerve, or heart damage**. Some people require years to recover while others might never fully recover. Does carbon monoxide make you hallucinate?

These can include agitation, confusion, depression, lethargy, impulsiveness, **hallucinations**, confabulation, distractibility, and memory problems. Visual disturbances and seizure, as well as fainting (syncope), can also be related to carbon monoxide toxicity. Can carbon monoxide poisoning change your personality? Personality changes **may occur**, and case studies have described prominent depression, anxiety, and irritability several years after accidental CO poisoning. Residual cognitive deficits, executive dysfunction, and impairments in memory and concentration may all contribute to deterioration in mood.

There is a lot more information about it on this USA government site:  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2707118/>

## **Bill requiring consideration of autism, mental illness in criminal justice system passes in Virginia**

**Posted: Feb 10, 2021 / 08:02 PM EST / Updated: Feb 11, 2021 / 11:11 AM EST**

RICHMOND, Va. (WRIC)- Advocates say a law that bars Virginia courts from fully considering a person's disability or mental illness is causing defendants with autism to fall through the cracks. <https://www.wric.com/news/bill-requiring-consideration-of-autism-mental-illness-in-criminal-justice-system-passes-in-virginia/>

<https://law.lis.virginia.gov/vacodeupdates/title19.2/section19.2-271.6/>

### **§ 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth. (2021 updated section)**

A. For the purposes of this section:

"Developmental disability" means the same as that term is defined in § [37.2-100](#).

"Intellectual disability" means the same as that term is defined in § [37.2-100](#).

"Mental illness" means a disorder of thought, mood, perception, or orientation that significantly impairs judgment or capacity to recognize reality.

B. In any criminal case, evidence offered by the defendant concerning the defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant, is not evidence concerning an ultimate issue of fact, and shall be admitted if such evidence (i) tends to show the defendant did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

One of the scariest moments for a parent of an autistic child is when they wander off or become lost. Children and adults with autism can be gone in a second of taking their eyes off them. They are fast, quick and sometimes can dart away without a seconds warning.

Sometimes they may wander off out of the house in the middle of the night, sometimes from schools or other places. No matter where the child or adult may wander one must act quickly. <https://www.gastongazette.com/story/opinion/letters/2018/09/28/what-can-you-do-when-autistic-child-or-adult-wanders-off/9765760007/>

## ***Autism Society article and what it says: “USE LOCKS AND ALARMS WHERE APPROPRIATE***

For individuals who run away or leave the home without supervision (also referred to as “elopement” or “wandering”), it is important to place locks and alarms on exterior doors and windows. This may prevent the child from leaving, or at the very least notify you if he/she attempts to open a potential exit route. <https://www.autism-society.org/living-with-autism/how-the-autism-society-can-help/safe-and-sound/safety-in-the-home/> NOTE: This helped when Brian was a child, but now as an adult, it wouldn't help plus at this time, his mom was not well either from her exposure to carbon monoxide & none of us knowing about the tin.

Chart below about autism. These charts helped us when Brian was little to understand autism better: There are also charts that show the “wandering & more descriptions.



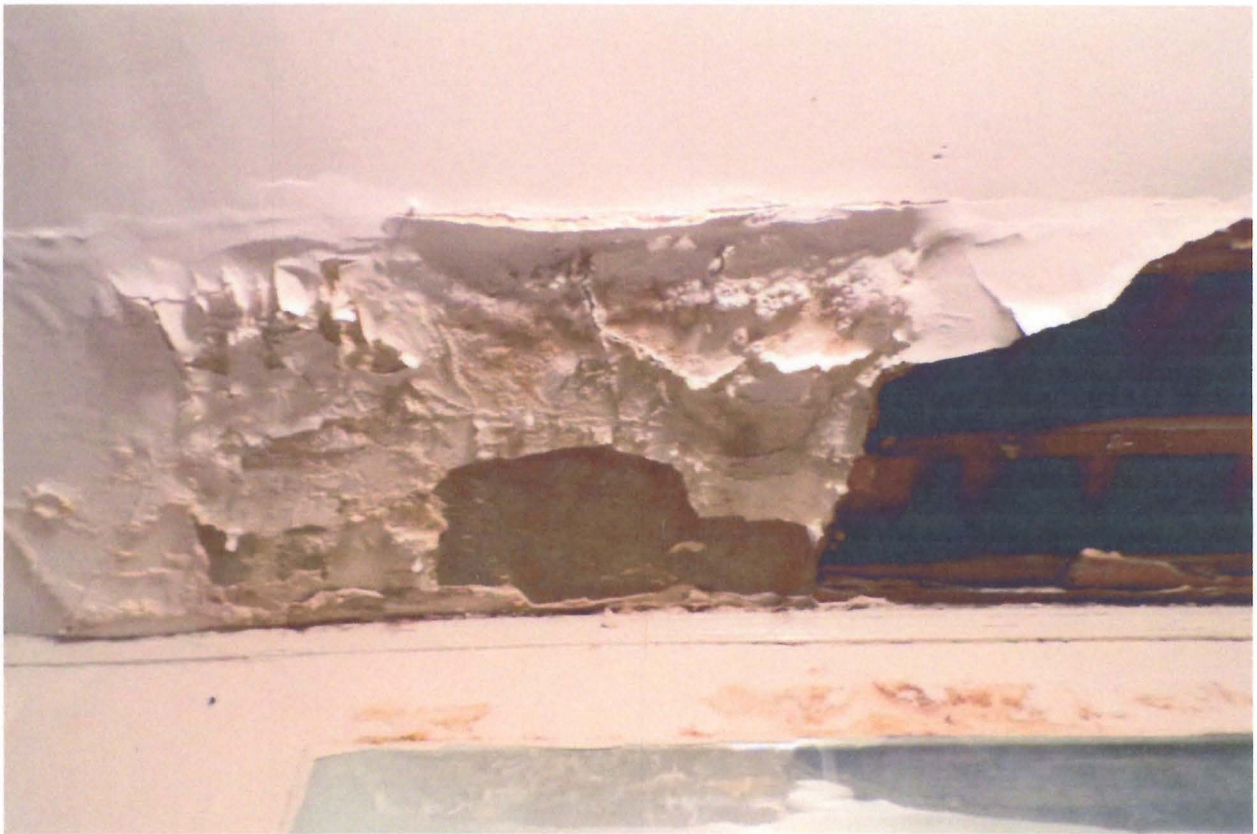
)  
 )  
**Brian David Hill,**  
 )  
**Petitioner/Defendant**  
 )  
 )  
**v.**  
 )  
 )  
**Commonwealth of Virginia,**  
 )  
**Respondent/Plaintiff**  
 )  
 )  
 )

**Criminal Action No. CR19000009-00**  
  
**Civil Action No. \_\_\_\_\_**

I, Roberta Hill, being first duly sworn upon oath, do hereby depose and state:

On January 20, 2019, I had a fireplace expert named Pete Compton of ACE Chimney & Wildlife come out to check on some water damage near the fireplace and he found out that the chimney had been completely covered in tin. He told me that carbon monoxide was coming into my apartment and my son's apartment. He said it condenses and that is what was causing the water damage in the ceiling next to the fireplace in my son's apartment.

1 | Page





I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of January, 2022.



Signed

Roberta Hill

310 Forest Street, Apartment 1  
Martinsville, Virginia 24112  
(276) 790-3505

Kenneth R. Forinash, TSgt, USAF, Ret

201 Greyson St.

Martinsville, VA 24112

276-224-4527

Subject: Letter of Support for Brian David Hill,

To Whom This May Concern,

My name is Kenneth R. Forinash, I am a 79 year old citizen of Martinsville, VA, retired from the US Air Force. I have known Brian D. Hill for over 20 years. Brian has been helping us by doing lawn work and various chores for us. He has autism, Brittle Type I Diabetes and severe OCD problems. He has been on disability since he was 2 years old, so he is unable to hold a steady job due to his disabilities.

Brian's charge of Indecent Exposure should have never gone as far as it has. He had, unknowingly, been exposed to carbon monoxide gas in his home for several months. He and his mother were complaining about being tired all the time with no energy, having headaches and Brian also said he was having trouble thinking. On the night of his arrest he left his home late at night when his caregiver, his mother, was sleeping. This was something he had never done before, and has not done since. It is my opinion that this was from the effects of Carbon Monoxide. On the night of his arrest, he was taken to the Martinsville hospital, but was never tested to see if his glucose level was high or low, the hospital records would have shown that he had diabetes, OCD and autism if they had looked at his records. He was never tested to see if there were drugs in his system or if he could have been affected by carbon monoxide poisoning. He has been fighting this charge since it first happened, and since he knows he is innocent he will continue fighting it. That is the type person Brian is. If he knows he is being falsely charged with something he will fight for his rights.

I believe Brian should be given an acquittal for this crime because of his true innocence, and for the fact that so many mistakes were made by the hospital and the Martinsville Police Department. There was never an investigation of the things Brian told them had happened. He said a man in a Hoodie told him to take his clothes off and take pictures of himself or his mother would be killed. There was never an investigation to find this man in a Hoodie. Brian also had a pink camera in a backpack that no members of his family recognized when he was arrested. Nothing was ever done to see where this camera and backpack came from. Brian always took his large black Kodak camera with him whenever he went out. None of his family members can remember ever seeing him with a small pink camera or wearing a stocking cap. Here is a video YouTube link my wife found about people with autism behavior running away (We are wondering if this was a setup as we will explain later in this letter). <https://www.youtube.com/watch?v=wnZ02EzblMM>

My wife and I were re-reading the manuscript from Brian's revocation hearing and more & more we are wondering about a "sex setup" against Brian. We have read many threatening emails and text sent to Brian and others. We have read that they (the ones who sent these using tor email) were the ones who had the child porn put on his computer. They said they would (whoever sent these emails

& text messages) see to it that Brian stays on the "Sex register" and would set Brian up and have indicated that the judges & other people in the courts would make sure. Brian has sent these threats to the federal court. No one has done an investigation about them, but we wonder how many are involved in the courts of helping to make sure. First, the prosecutor & the judge who are the same ones who have ignored all of the proof that Brian is innocent that has been in the court records from November, 2017 and before. Brian has never shown an interest in either sex or children. We have testified in court and have sent that to the court under penalty of perjury that we are telling the truth. Brian remains a virgin to this day.

We have the proof from the state bureau of NC and have sent this document to the court that child porn was being downloaded to his computer 11 months after the police did the police raid and confiscated his computer so for that 11 months Brian didn't have the computer, the Mayodan, NC police & NC SBI in Greensboro NC had it during that 11 months. Brian fought for over a year in the Danville, VA federal courthouse for them to keep this evidence, this same prosecuting team whom you see in this manuscript makes it clear that due to the probation report being on this camera and the photos that Brian is guilty. He & the judge (BOTH) keep going back to the child porn that they claim was on his computer, trying to make a stronger case of sex which is weird if you know Brian and know that he isn't interested in sex at all, is not interested in children and still at the age of 32 remains a virgin. Set up?

Here's our proof: Isn't it convenient for a set up that once Brian is arrested for indecent exposure, they now won the case in Danville and no longer have to keep their proof when they state that Brian is guilty. Actually, this is proof that Brian is innocent NOT guilty because it proves that child porn was being put on Brian's computer for MONTHS after the police got it. They fought this because it was proof that just like the emails said "Brian was set up with child porn and had no intentions and did not even know that the child porn was in his computer. We are witnesses that Brian was fighting some type of virus on his computer the day of the police raid in August, 2012. We were there watching Brian fight it & were there during the entire hours long police raid. That is bad when our legal system goes after someone who has brittle diabetes with seizures and autism and keeps this going for years ignoring his and his family's proof that he is innocent. Brian does not have an intellectual disability. He is very smart but does have a communication disability.

Brian started fighting for this on April 25, 2017 in the Danville, VA Federal Court. In Oct, 2017 his mom contacted a chimney expert to put screen on their 3 chimney flues to keep birds out. We found out 15 months later Jan. 2019 that instead of screen there was tin up there which caused carbon monoxide to come in their home and messed up both fireplaces, gas logs in both fire places, the walls & ceiling around Brian's fireplace and caused both of them to be really sick for over a year. It doesn't make sense to us that a Chimney company would do this and are aware that when the family wasn't home, it is a possibility that someone else could have come & replaced the screen with tin. We can't prove this but just a possibility to stop Brian from fighting to prove he is innocent and should not be on a sex registry. He is innocent. We know that for a fact! In November, 2017 Brian submitted to the federal court his 2255 of innocence with many pages his family wrote and other proof of his innocence. In December, 2017 until the spring of 2018 his mom was getting insulting greeting cards with a threat letter in the spring of 2018 all sent from Nashville, TN with no return address or name

while they both were being exposed to carbon monoxide. The Martinsville police conveniently did not do an investigation, and not one of them ever questioned us – no investigation at all!

Brian is still fighting to prove his innocence in the federal court in NC with the same judge who refuses to leave his case, making sure that he stays on probation. His probation was for 10 years in 2014. Now due to this indecent exposure case, the judge ignored his autism, carbon monoxide, etc and added 4 more years of probation. During this “setup” on Brian in 2018, he lost his Danville case because he was now spending his time fighting to prove he was innocent of the indecent exposure as well as the child porn. This same judge and the same prosecution keeps going back to “sex charges”. They don’t know of any other reason, **could it be a “setup”** as the threatening letter said, as the threatening emails sent to Brian and others and the threatening text sent to Brian in 2015 said they would do?

After re-reading the transcript, the police said Brian was wearing a stocking cap. We go with Brian to a lot of places and have never seen him wear that type of hat and have never seen photos of him wearing a stocking cap. He does wear baseball caps from time to time.

Page 57 of 164 “It's the document that was found on the SD card in printed version that belonged to Mr. Hill that was on the camera when we did the search warrant.

Q So this document was on the same card as the photographs?

A Correct.

Q And under the author, what does it say?

In reading the transcript and being at the trial in NC, we noticed a lot more things that look like a setup. We saw a pink camera that the police said Brian had. We have never seen Brian use a pink camera. He does take a camera most of the time, but it’s a large black camera in a camera bag. You can look through photos his mom & we have taken of Brian, and you will not see him carrying a pink camera nor will you see him wearing a stocking cap. We took Brian’s mom to Salem, VA to pick up Brian’s backpack. Right away Brian’s mom said that she had never seen that back pack before. We noticed that it was a lot smaller than the ones he uses. It was his clothes in that backpack, but we especially noticed there were no emergency diabetic supplies in it nor any hand sanitizer in it. He always takes his diabetic supplies & sanitizer with him. We have never seen Brian take selfie photos of himself. He does take videos when he is trying to say something. Brian said that the man in the hoodie gave him the camera according to the policeman who arrested Brian.

The prosecuting attorney said that it was Brian’s camera because it has the form he sends to the probation officer with his name, nothing else except the nude photos of himself. If someone plans to set you up, what a convenient way – drug you – hand you a camera with a blank probation form that looks like you put it in the camera, add your name as the author for the police to see. Make sure there are nude photos of you in that pink camera. If I wanted to I can download this form at <https://www.gasp.uscourts.gov/sites/gasp/files/MSRSexOffender.pdf>. Anyone can download it especially if they want to set someone up. The police said that they had received one call. The police didn’t identify the caller. Could it have been the very same person who handed him the camera & threatened killing his family? Brian told us in the hospital about that. He said the guy sounded like a white guy, not a black guy, but he couldn’t identify him due to the hoodie. Brian said

he felt like he had been drugged. Isn't it convenient that the doctor at the emergency room that night did not test him for any substance (alcohol, drugs, carbon monoxide), did not test his glucose when it was clearly written on hospital records that he was diabetic and was on insulin shots. The police testified that they usually get blood test results. Isn't it unusual that they had no blood test results at all for Brian especially since he has been a brittle diabetic at the age of one year? To us, this is another clear set up just like the child porn that was downloading on his computer for 11 months when Brian didn't even have his computer.

My wife is looking up proof on Federal Court records and putting links so you can see all of this is true, especially the threats Brian & others have received.

If Brian was guilty, why would he fight so hard to get the discovery materials that were used against him in court? On the other hand, why did the prosecuting office fight so hard for him not to get these (Guilt on their part)? They also knew that this was being downloaded 11 months after his computer was confiscated and what else was on the discovery which would prove even further that Brian was innocent? Yet they kept him in jail or prison for months, many time half insulin, some days no insulin, on court days no insulin until he was brought back to jail handcuffed after hours in court with no insulin at all, no help with his autism, more like torture, made sure that he is on the sex registry, off the Internet and have extended that probation to 14 years. Why would he have that information on a pink camera? SETUP for sure just like the threatening emails, text & letter said.

Here could be one reason for the setup at this website as Brian was fighting for his discovery to keep it in court for his appeal: Freedom of information act. We saw it, there were no photos of any kind in that NC SBI report. No reason why Brian shouldn't have it to prove his innocence. Why did they fight this for over a year?

<https://www.courtlistener.com/docket/6064365/hill-v-executive-office-for-united-states-attorneys/>

Hill *v.* Executive Office for United States Attorneys (4:17-cv-00027)

District Court, W.D. Virginia

**Date Filed:** April 25, 2017

**Date Terminated:** Feb. 6, 2018

**Date of Last Known Filing:** Oct. 9, 2018

**Cause:** [05:552 Freedom of Information Act](#)

**Nature of Suit:** [895 Freedom of Information Act](#)

Brian was exposed to carbon monoxide from abt Oct. 2017 until he was arrested for indecent exposure in September 2018, and he was in jail & in bad shape on Oct. 9, 2018 so could no longer fight to get his discovery. That was a victory for the NC prosecuting office, but could it also explain the carbon monoxide and the set up? The above just shows the battle went on until Brian was arrested for indecent exposure in September, 2018, then his fight to get discovery ended, but it went on throughout Brian's exposure to carbon monoxide in his home: Brian could no longer fight to get his discovery to go along with more proof that he is innocent and had already put this proof in the court records in November, 2017.

**Now let's read the threats he & others received which is on court records, and you can read these here:** <https://www.courtlistener.com/docket/4304407/united-states-v-hill/>

United States *v.* HILL (1:13-cr-00435)

District Court, M.D. North Carolina

**Last Updated:** Jan. 23, 2022, 6:34 a.m. EST

**Assigned To:** [Thomas D. Schroeder](#)

**Date Filed:** Nov. 25, 2013

**Date Terminated:** Nov. 12, 2014

**Date of Last Known Filing:** Dec. 6, 2021

If Brian is guilty, why is he fighting so hard to prove he is innocent? Knowing his medical record which is on these court records, why does this same judge and this same prosecuting attorney keep saying he is guilty without acknowledging any of Brian's proof of innocence, fighting to make sure he does not get a copy of his discovery (The proof supposedly of his guilt) & ignoring his witnesses who have written of his innocence with proof, denying Brian his constitutional rights & making sure he's the only judge?. Why have these threats not been investigated? Why is this judge knowing Brian's medical history not allowed any expert medical witnesses to testify. Could this be another reason for a set up with indecent exposure? To Brian's family, this explains why there is a pink camera in his possession and not the large black camera with the camera bag that he does use, why are there nude photos of him (if drugged that night), why he had a back pack that was not his, why he is wearing a type of cap that he never wears on outings with us when it is cold or at any time, why he had no emergency medical supplies with him, why someone would call the police who would find a camera in his possession with nude photos of him and a copy of the probation form he uses with his name on that, perhaps even why the doctor or nurse in the emergency room not providing any test results to prove he's diabetic, has been exposed to carbon monoxide for almost a year in his home, and maybe some drugs in his system from the man in the hoody and no body cam at court that Brian & his family asked to be used (perhaps someone from the police department involved to bring Brian down as recorded in those threat letters)? Read them yourself and then decide.

He does have autism which had gotten worse from the carbon monoxide but knowing Brian as we do, nothing else makes sense, add the part that he is under constant care by his mom except the few hours at night that she needs sleep, and this all happened while she was sleeping. She was waking up at 4:30 every morning to test his blood glucose after the 2 seizures he had one night (which happened while they were exposed to carbon monoxide), and someone calls the police at 3 AM. All of this needs to be investigated, too many holes in this case too just like the child porn setup with threats. The judge & prosecuting attorney saying he's guilty does not make it so. There are many people documented who have spent years in prison who were found to be innocent even though the judge & prosecuting attorney said they were guilty.

United States *v.* HILL (1:13-cr-00435)

District Court, M.D. North Carolina

<https://www.courtlistener.com/docket/4304407/46/united-states-v-hill/>

**Sep 30, 2014 # 46** DECLARATION of Susan Basko in Support of BRIAN DAVID HILL'S Motion to Withdraw Guilty Plea, Motion for a Substitute Attorney, Sentencing, and any other purposes.  
(Attachments: # (1) [Main Document](#) Declaration

If you download these, you can read them better. You will also see in **Attachment 1 Exhibit A** where Brian reported these to the FBI in 2015.

**Apr 3, 2015 # 71 Attachment 1 Exhibit A Page 2** (Threat sent to Brian by text on Feb 14, 2015) Basically when you read this it is saying “We will send you more child porn, Brian, stay as a sex offender and go get raped like a good sex offender. You will never win, you will never prove whom planted child porn in your drive. We can sneak into Sue Basko’s house and plant child porn in her hard drive hahahahaha”. There is a lot of bad language which we will not repeat here, but you can see this threat for yourself.

<https://www.courtlistener.com/docket/4304407/71/1/united-states-v-hill/>

**Exhibit A Page 5** This was an email sent to Susan Basko that she emailed to us on 2/6/2015. It says “Brian Stop Appeal” (title) “Tell Brian to stop appeal in da court. He will not win even if he does we have authorities to set him up with child porn again. Think about it before you testify. You too Scott (sounds like this one went to one of Brian’s attorneys). Tell Brian to cut his appeal or I will set him up to cut him”.

**Exhibit A Page 6.** This is another email Susan Basko emailed to us (Brian’s grandparents) on 2/6/2015 that she had received: It says basically “I warned you. Brian David Hill will suffer and it is his fault for not sticking with his paedophile guilty plea. Bad things will happen to him We promise you if Brian hasn’t already been destroyed you all will never remove him from sex offender list. Brian will regret what he filed with the court He will pay possibly with his life Police watching him however we are watching him too even if he is under supervised release we can send thousands of child porn to Brian’s email address and he will never know until he is allowed on the net then BOOM violation of probation then even they will beat him up”

**Exhibit B — Document #71, Attachment #2**

<https://www.courtlistener.com/docket/4304407/71/2/united-states-v-hill/>

**Page 21-22** is an email Susan Basko sent to Brian’s attorney, Jones and a copy to Brian’s mom & grandparents on 2/16/2015 informing Mr. Jones that he needs to do something about this. She said that she is writing to him again as he is the one handling Brian’s appeal. She said that Brian is the guy who was set up with child porn, and someone keeps sending her and others (You can read these yourself on court records, and they have been there since 2015). This is a long threat email they sent to her & others with more threats. This was reported to the FBI by those receiving it, and Brian reported the ones they sent to him in 2015. Why was all of this ignored & keeps being ignored?? They admitted AGAIN just like they did in 2012 & 2013 putting child porn on Brian’s computer & the hard drive that his attorney picked up from the Mayodan, NC police department and took to Brian in Martinsville, VA. They said they had Brian on possession and his attorney on distribution. Read it and all of the other threats, then explain to us why you think nothing is being done or has been done. All of this is in federal court records. Brian has reported this to the FBI more than once. We have too more than once. They keep ignoring it & us.

Here are some more on the court records with where to find them. The more we read these & the threats, the more we know he is being set up. What kind of monster or monsters does this to someone with all of Brian’s severe disabilities, and where are the law people & courts who are supposed to protect us from these monsters??? Meanwhile, Brian keeps fighting to prove his innocence and keeps being ignored.

**Exhibit I — Document #71, Attachment #9 Page 11 sent to Brian (Email) on April 11, 2013. Submitted AGAIN to the court on 4/03/2015**

<https://www.courtlistener.com/docket/4304407/71/9/united-states-v-hill/>

**Brian's 2255 submitted on Nov 14, 2017 Document #128**

<https://www.courtlistener.com/docket/4304407/128/united-states-v-hill/>

**Exhibit — Document #131 Page 70-71 Threats to Brian in Email in 2013.**

**Article "Child porn investigations may snarl the innocent" from 2010 Page 79-88**

<https://www.courtlistener.com/docket/4304407/131/united-states-v-hill/>

**Exhibit — Document #134**

<https://www.courtlistener.com/docket/4304407/134/united-states-v-hill/>

**Brian's grandmother, Stella Forinash is testifying here that Brian is innocent of child porn charges & reasons PAGE 34-71**

NC SBI says the first time files were downloaded was on **July 20, 2012**. The Rockingham County police department spotted the child porn very early. This agrees with what Brian said on the Alex Jones Prison Planet on **July 12, 2012** when he said that the police were watching him and his mom and looking for a reason to arrest them, and he was afraid the police department was going to set him up. (See Document Police removed all computers and hard drives from Brian's house on **August 28, 2012** (netbook on August 29, 2012). According to this NC SBI Discovery Report, this child porn continued being downloaded until **July 28, 2013 (11 months after Asst attorney's brother, Bridge and Mayodan police removed it from Brian's house)**. Case 1:13-cr-00435-WO Document 45 Filed 09/26/14 Page 20 of 20.

**On Page 54 above. Page 55 below**

of 2. **US v. Hill - Hearing - September 30, 2014** is where Brian's grandparents & Attorney Sue Basko told the judge that Brian was innocent of knowingly downloading child porn. This was the same court case where Brian D. Hill's court appointed attorney and the prosecuting attorney confessed to the judge that they had received emails from Attorney Sue Basko and calls from others coming forth to be witnesses for Brian and that they ignored Brian's witnesses (Entire transcript is in court records). This is the same hearing that the judge appointed a new attorney for Brian, but too late as Brian's health had gone down too low from over 9 months of not getting the right amount of insulin prescribed by his diabetic doctor for the past 22 years. (From the age of 21 months to the age of 23+ years).

**Brian's Grandpa, Kenneth Forinash is testifying for Brian: Page 73-75**

I have known Brian David Hill since December 2000. He has gone on day trips and extended trips with his mother, Roberta Hill, grandmother, my wife, Stella Forinash and myself numerous times. Due to his diabetes and autism he always stayed with us when we went on these trips. I have never seen him approach a child, or show any interest in a child. His main hobby was taking pictures of scenery, and he did not want any human in his pictures. He would get agitated when someone walked in front of him while he was taking a picture.

I tried helping his mother and grandmother find help for his autism while he lived in North Carolina and after he moved to Virginia. We had very little luck getting assistance from any groups in NC, but after moving to Virginia in September of 2012 he was placed on a Medicaid waiver immediately after applying due to all of his medical and mental problems. There is normally a 7 year waiting list for this waiver, but he was placed on it right away. This waiver made it possible for someone to be paid for 40 hours of assistance and respite for Brian per week. In addition to this waiver, there were also individuals from EHS Support Services LLC that would take him on hikes, and to the YMCA. They also made it possible for him to see a counselor for his OCD problems.

**Brian's mom, Roberta Hill is testifying for Brian: Page 76-87**

To Whom This May Concern:

I am Brian David Hill's mom, and I am a witness to many events that have occurred in Brian's case. I believe that my son is innocent of any wrong doing. The crime that he was accused of paints a different picture of my son, than who he is as an actual person.

I also am a witness to how autism and Obsessive Compulsive Disorder (OCD) affects my son. Since he was a very young child he has been sensitive to receiving hugs from anyone and does not like to be touched on his shoulders. This is not uncommon for someone with autism. With his OCD he is very sensitive to anyone touching him or his stuff and constantly washes his hands and uses Germ X due to his fear of getting dirty or getting germs. Because of his autism he has never had a girlfriend and he is a virgin, yet the court has put him on the sex offender registry. He has never been accused of sexually molesting a child or of raping an adult, and yet he is being treated as if he is a threat to society.

I have compiled a list of my eyewitness accounts in his case.

Brian says that he had been downloading child porn for 1 year or so. The evidence only shows that there were photos on his computer for 39 days prior to the police raid. This is the time frame in which my son was dealing with a virus on his computer. About almost 11 months of those dates is when his computer was in the custody of the Mayodan Police Department and the State Bureau of Investigations of North Carolina. This is a clear false confession that can be proven from the interview records of the Mayodan Police Department and the discovery report.

**Actually, we noticed later that they asked Brian about downloading things, then later changed their wording to "child porn" Brian was confused and was talking about downloading music. The police knew Brian was disabled, yet disobeyed the "Americans with disability act" by questioning him alone without someone present who was trained in autism. They refused to let us hear that tape. Brian said things that was on paper that looked to us like he was just repeating what they said to him which is part of autism when one is stressed to the limit, and all of us were stressed after that police raid. If we or an autism professional could have heard that tape, I'm sure that is what was going on.**

**Brian downloads proof of his autism: Pages 88-99**

**<https://www.courtlistener.com/docket/4304407/134/united-states-v-hill/>**

**Document 134 & there are many more threats & a lot of proof of innocence that Brian has shared, but this letter is getting too long, and we're getting too tired.**

Anything you could do to help this young man would help immensely. If there is anything further you need from me, please feel free to have your office contact me at the above address or phone number.

Thank You,

Kenneth R. Forinash, TSgt, USAF, Ret

**Stella B. Forinash (I can put an affidavit if needed with witness signature notary that I am telling the truth). Thank you for your time reading this. 1/23/2022**

United States District Court  
for the  
Middle District of North Carolina



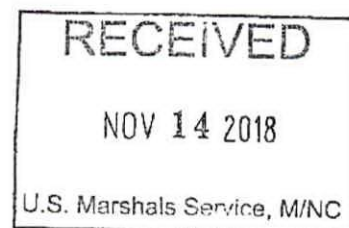
USA v. BRIAN DAVID HILL

Docket No. 1:13CR435-1

TO: THE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA OR ANY OTHER AUTHORIZED OFFICER:

WARRANT FOR ARREST OF SUPERVISED RELEASE VIOLATOR			
You are hereby commanded to arrest the within-named violator and bring him or her, forthwith, before the United States District Court to answer charges that he or she violated the conditions of his or her probation imposed by the court.			
NAME OF VIOLATOR <b>BRIAN DAVID HILL</b>	SEX <b>M</b>	RACE <b>W</b>	AGE <b>28</b>
ADDRESS (STREET, CITY, STATE)			
SUPERVISED RELEASE IMPOSED BY: MIDDLE DISTRICT OF NORTH CAROLINA		DATE IMPOSED: 11/10/2014	
TO BE BROUGHT BEFORE: MIDDLE DISTRICT OF NORTH CAROLINA, GREENSBORO, NORTH CAROLINA			
CLERK: JOHN S. BRUBAKER	BY (DEPUTY CLERK) /s/Joy Daniel	DATE 11/14/2018	

RETURN		
Warrant received and executed.	DATE RECEIVED <b>11/14/18</b>	DATE EXECUTED <b>12/22/18</b>
EXECUTING AGENCY (NAME AND ADDRESS) <b>USMS</b>		
NAME <b>Steven L. Gladden</b>	(BY) <b>[Signature]</b>	DATE <b>12/22/18</b>



U.S. Department of Justice  
United States Marshals Service



## DETAINDER

### BASED ON VIOLATION OF PROBATION AND/OR SUPERVISED RELEASE

United States Marshal  
Western District of Virginia  
(District)

P.O. Box 2280  
Roanoke, VA 24009

(Return Address and Phone)

Please type or print neatly:

TO: Martinsville City Jail  
55 West Church Street  
Martinsville, VA 24112  
ATTN: Records

DATE: November 15, 2018

SUBJECT: HILL, Brian David

AKA:

DOB/SSN: 5/26/90 [REDACTED]-0319

REF. # FID#9402184

USMS #: 29947-057

CR #: 1:13CR432-1

Please accept this Detainer against the above-named subject who is currently in your custody. The United States District Court for the Middle District of North Carolina has issued an arrest warrant charging the subject with violation of the conditions of probation and/or supervised release.

Prior to the subject's release from your custody, please notify this office at once so that we may assume custody if necessary. If the subject is transferred from your custody to another detention facility, we request that you forward our Detainer to said facility at the time of transfer and advise this office as soon as possible.

The notice and speedy trial requirements of the Interstate Agreement on Detainers Act do NOT apply to this Detainer, which is based on a Federal probation/supervised release violation warrant.

Please acknowledge receipt of this Detainer. Please provide one copy of this Detainer to the subject and FAX one copy to this office at 540-857-2032.

FAX No.

RECEIPT	
Date:	11-15-18
Signed:	U. R. Acord
By:	Robin Acord
Title:	SA

Very truly yours,

Richard Sellers  
(Signature)

Richard Sellers, Acting U.S. Marshal  
(Name and Title)

Requested by: Chrissy Dinnerville, Criminal Program Specialist

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA )

v. )

1:13CR435-1

BRIAN DAVID HILL )

**JUDGMENT AND COMMITMENT**  
**Supervised Release Violation Hearing**

On September 12, 2019, a hearing was held on a charge that the Defendant had violated the terms and conditions of supervised release as set forth in the Court's Order filed July 24, 2015 and the Judgment filed November 12, 2014 in the above-entitled case, copies of which are attached hereto and incorporated by reference into this Judgment and Commitment.

The Defendant was represented by Renorda E. Pryor, Attorney.

The Defendant was found to have violated the terms and conditions of his supervised release. The violation(s) as follow were willful and without lawful excuse.

Violation 1. On September 21, 2018, the Defendant was arrested for the commission of a crime.

IT IS ORDERED that the Defendant's supervised release be revoked. The Court has considered the U.S. Sentencing Guidelines and the policy statements, which are advisory, and the Court has considered the applicable factors of 18 U.S.C. §§ 3553(a) and 3583(e).

IT IS ORDERED that the Defendant be committed to the custody

of the Bureau of Prisons for imprisonment for a period of nine (9) months.

IT IS FURTHER ORDERED that supervised release of nine (9) years is re-imposed under the same terms and conditions as previously imposed.

The Defendant shall surrender to the United States Marshal for the Middle District of North Carolina or to the institution designated by the Bureau of Prisons by 12:00 p.m. on December 6, 2019.

A handwritten signature in black ink, appearing to read "T. Court", is written over a horizontal line.

United States District Judge

October 4, 2019.

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF,

v.

BRIAN DAVID HILL,  
DEFENDANT.

CASE NO: CR19000009-00

LAST MINUTE EVIDENCE

**LAST MINUTE EVIDENCE IN SUPPORT OF DEFENDANT'S**  
**“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW**  
**EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME**  
**OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF**  
**EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA;**  
**REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW**  
**HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING**  
**COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA**  
**FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL**  
**EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE,**  
**ALSO LIKELY DESTROYED”**

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and submits LAST MINUTE additional pieces of evidence by Stella Forinash a witness to this Honorable Court in support of Defendant's “MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF

CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE  
COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE  
(OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT  
TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY  
DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS  
OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”.

**Last Minute Evidence and final arguments to Hon. Giles Carter Greer:**

1. The **Exhibits 1 through 3** all make very good points. The witness letters by Stella Forinash, an autism advocate, the certified mail and return receipt of the letter mailed to Police Chief G. E. Cassady. Letter ignored by Martinsville Police Department.
2. It all puts together a picture that with the Autism Spectrum Disorder and other evidence submitted in support of Defendant's “MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY

DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”; it all shows that Brian David Hill is innocent as a matter of law under Virginia Code § 19.2-271.6.

3. The Commonwealth may try to manufacture or fabricate the intent and ignore the Autism Spectrum Disorder of the Defendant. However it isn’t just the additional last minute evidence with the witness letters from Stella Forinash. Defendant wants the Honorable Judge of the Circuit Court to have the facts that intent can never be proven, ever, in this case. Here is why.

4. On September 21, 2018, The Officer Robert Jones of Martinsville Police Department should not have taken Brian's statements as reliable due to misconceptions of Brian not having Autism Spectrum Disorder when records for years show that Brian David Hill does have Autism. Misconceptions meaning: **“a view or opinion that is incorrect because based on faulty thinking or understanding.”** Officer Robert Jones had faulty thinking and treated Brian David Hill as if his Autism was invisible, and tried to hold Brian Hill completely culpable, as if his Autism meant nothing. His Autism does mean something.

5. The Defendant had tried to locate any records of laboratory tests from the blood drawn from Defendant’s arm on the day of his arrest but the Hospital had informed the Defendant in 2019 that the Hospital doesn’t have any laboratory results from September 21, 2018. The Hospital had refused or failed or just didn’t want to do the laboratory

tests. So it is a fact to the Honorable Court and the Hon. Giles Carter Greer that the Martinsville Police didn't test Brian for any drugs, alcohol, or substances or gas exposure prior to his arrest and not even during his arrest, not even after his arrest. Unless proven otherwise. The Defendant wants to see proof of otherwise, otherwise this fact cannot be challenged.

6. The officer didn't even believe that Brian had Autism after Brian told him and Brian's mother told a Martinsville Police Officer that Brian had Autism. They still didn't believe Brian had Autism, and Brian was questioned by an officer who only felt that Brian was lying or that his story didn't add up. Again read **EXHIBIT PAGE 63 OF 164** in attachment to the original Motion asking for Judgment of Acquittal (MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED).

The Officer said under Oath in Federal Court:

"A. Talking with him, the time frame **didn't really add up to me at that point**. We made contact with

his -- tried to make contact with his mother that night. I don't know if anybody actually spoke to her. I don't recall."

7. Since this Officer doesn't want to believe that a guy in a hoodie exists, there are two reasons why. Either the guy in the hoodie didn't exist and was all caused by a "psychosis" or hallucinations caused by Carbon Monoxide Gas exposure; or the Defendant was on a drug, substance (for example: bath salts, easy to access chemicals or substances), maybe somebody gave him some alcohol, or he was exposed to something else that could have been proven had the laboratory tests been conducted or had drug tests been conducted. They were not. Defendant claimed he was "drugged" in a written letter to a Federal Court; the same Federal Court who conducted direct examination and cross examination of Officer Robert Jones on September 12, 2019 Trial. So let's say Brian was "drugged", then that would explain why his story didn't "add up".

8. The statements Brian David Hill had made to Officer Jones on September 21, 2018 were not reliable since they can't prove whether the Defendant was even on drugs, substances, alcohol, or anything at all or not when they had access to his blood samples aka biological blood samples but was destroyed without bloodwork; and so Brian's statements that night can never be proven as reliable. So it was impossible to be able to determine whether Brian was lying or telling the truth and to determine if Brian really had intent or not. They didn't even test him for drugs or anything. I mean, wouldn't it be

kind of weird to be walking out at night naked on a secluded walking trail with dangerous bears and coyotes and then some vehicle comes on by at one area of the walking trail near a road and calls 911 because that person claimed they saw a naked male “running”. They didn’t think to test him for any substances like “bath salts” or anything at all but just assumed he was okay??? Right? Brian must have been okay, right?

9. Let us examine what else Officer Robert Jones had said:

“A. Radio traffic came across as a male subject with no **clothes on running down the side of the street** at Hooker Street near the Henry County Public Safety building.”

**CITATION FROM EXHIBIT PAGE 42 OF 164** in attachment to the original Motion asking for Judgment of Acquittal (MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED).

9. Think about it. He didn’t even approach the vehicle but was just running.

Nobody has proclaimed to be a victim here. Probably somebody who called 911 out of concern, out thinking that 911 had to be called because it was some kind of crisis or medical emergency perhaps. The 911 caller didn’t think the police and the Commonwealth Attorney would even go this far over a “medical emergency” as what

Stella Forinash calls it in her witness letter or letters, a **“medical Emergency”**.

Probably wondering why this “man” was running naked as if lost out of his mind. Now with the passage of Virginia Code § 19.2-271.6., temporary mental insanity can now be brought up as a defense, regarding lack of intent. Having a psychiatric episode at the time can now be brought up as a defense under Code § 19.2-271.6.

10. The officer took Brian's statements while treating his autism, his “permanent disability” as if it didn’t exist when the evidence shows it does exist, and probably got his statements twisted on September 21, 2018, because the Officer who questioned Brian treated Brian like his Autism was invisible. The Officer probably assumed not factually but just assumed as any idiot who doesn’t understand AUTISM, probably thought he was lying. So he didn't even believe Brian's claim that Brian had Autism despite the fact it can be proven through Department of Motor Vehicles handicap placard records which Officer Jones could have easily contacted the DMV to check Brian's records. See **EXHIBIT PAGE 2 and 3 OF 164 in attachment to the original Motion asking for Judgment of Acquittal (MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT**

ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED). It says in that record for the Court: in quote Brian David Hill had suffered under “permanently limited or impaired. A permanent disability...” You heard that right Hon. Giles Carter Greer.

11. This Court has the proof that Brian suffers under a permanent impairment or limitations, a handicap, a disability, it is not temporary. The Officer could have easily contacted the DMV to verify Brian’s claims but instead he assumed that Brian was lying about his Autism, the Officer was proven wrong IN THIS COURT OF LAW and other COURTS OF LAW. The Federal Court and the U.S. Probation Office has separate evaluations also proving that Brian David Hill has Autism Spectrum Disorder. One evaluator may have been Dr. Keith Hersh, PHD in North Carolina. There are many records proving that Brian David Hill has had Autism for most to almost his entire life. Officer Robert Jones couldn’t even believe Brian even told the truth about his Autism and yet questioned Brian as if he didn’t have Autism. Brian’s statements were unreliable. The Court should consider that all of his statements on September 21, 2018 may have been unreliable and based upon false assumptions by Officer Robert Jones. False assumptions of lying and not even testing Brian for any substances, gases, drugs, alcohol or anything at all. Just assumed Brian was lying and left it at that, charged him.

12. Dennis Debbaudt a Law Enforcement training expert said people with Autism can give false confessions and misleading statements. It is a fact. Not purposefully giving misleading statements. Just simply those with Autism can give misleading gestures and body language. Defendant's family gave the link for the judge to check out the website of this law enforcement training expert. See <https://autismriskmanagement.com/> said: "Dennis Debbaudt's Autism & Law enforcement content and curriculum development has set the standard for autism training for policing, public safety and criminal justice professionals in the U.S., Canada and globally." Again read the article in the main Motion Exhibits titled: "Interview and Interrogation of people with autism (including Asperger syndrome)". That should clue the Judge and the Police Officers in on why they made false assumptions that Brian David Hill was lying or not telling the truth. They treated Brian's AUTISM like it didn't exist, like it was invisible. It is not invisible. Yes it does exist and Brian David Hill has Autism and has always had Autism since the original diagnosis from TEACCH, University of North Carolina in 1994, when Defendant was four years old at the time.

13. So Officer Jones made a false or erroneous determination of Brian Hill's unreliable statements and made the wrongful or false assumption that Brian David Hill was somehow lying when being questioned alone without his autism advocates present at the time due to not believing he had Autism. Brian doesn't have intent and any statements Brian had given Officer Jones on Sept. 21, 2018 should not be allowed to

determine intent either because the Officer didn't even believe Brian was autistic despite overwhelming evidence Brian is autistic. **A permanent impairment** he suffers as the DMV calls it in their handicap placard forms.

14. One of the reasons the Defendant believes as to why the body-cam footage was destroyed and never given to defense counsel was because Brian was questioned with cuts and abrasions all over his body. That would have been painful. That is like questioning Jesus Christ while nails were hammered into his hands and then being hung on top of a cross with blood pouring down, with holes in his hands. Can somebody talk straight or think straight while under pain and suffering from cuts, abrasions and knew pain??? Pain affects the ability to think straight. Brian made unreliable statements on September 21, 2018, not just because of Carbon Monoxide gas exposure, Brian had scratches, cuts and/or abrasions all on his body and complained of knee pain. I bet the officers at Martinsville City Jail may be able to testify as to Brian's condition on September 21, 2018. Any medical doctor can tell you that.

15. So Brian had dealt with pain and at the time was questioned alone with Autism while the Officer didn't even believe Brian even had Autism despite the clear documentation at the Martinsville Department of Motor Vehicles handicap placard. Despite Piedmont Community Services. Despite being counseled by LCSW counselor Preston Page. Brian was questioned alone without any advocates and gave statements which Officer Jones determined “didn't really add up to me” so he assumed Brian was

lying and mistook Brian's facial or body gestures. He as any detective in a police department is taught to notice things when questioning a normal person to determine truthfulness but questioning somebody with Autism Spectrum Disorder is different, it is like night and day. False confessions and misleading statements as Dennis Debbaudt had said in his whitepaper. Why don't the Court subpoena him under oath and ask him about all of this? About Brian's behavior and his statements and his autism? Ask the expert witness and you will see what is really going on here.

16. So the jury or judge would need to be given instructions as to the mental and medical issues since it is now admissible. Mistook Brian as lying and relied on his unreliable statements. They are unreliable and can never be proven reliable.

17. The Officer claimed wrongfully that Brian David Hill was psychologically cleared before he was arrested. The only way Brian would not have been considered psychologically cleared and admitted to the Mental Ward at Martinsville Hospital would have been if Brian talked about (1) killing or harming himself, (2) discussing wanting to harm or kill others, and/or (3) that he saw things or heard things that other people did not see. It is wrongful that they wouldn't admit him to the psychiatric unit of the Hospital, even when it was clear something wasn't right that night. So because Brian didn't talk about wanting to harm others, or didn't talk about killing other people, or didn't talk about wanting to harm himself or killing himself, they wouldn't admit him and claimed he was psychologically cleared. That is nonsense right there. Brian doesn't

have to talk about killing himself or others to be admitted to the Psych Ward. That is ridiculous. Brian already had two of the criteria met as to why he clearly should have been admitted to the Hospital, that Brian was not psychologically cleared that night.

1. Brian David Hill had cuts and abrasions all over his body, the body-camera footage recorded by Officer Robert Jones would have shown this proof as the cuts and abrasions were on the front of his naked body. The psychiatrist could have taken that as irrefutable evidence of “self-harm”. That alone would have justified involuntary commitment whether by Court Order or not. The psychiatrist at the Hospital did not see the cuts and abrasions that day. They didn’t know.
2. Brian’s family had come to the Hospital after Martinsville Police informed Brian’s mother about his behavior on September 21, 2018; and even asked her if Brian was autistic. The psychiatrist clearly could have asked his family if his unusual “nude activity” was normal for Brian. They would have immediately said that it was not normal behavior of Brian and that would have further justified involuntary commitment to the Mental Ward whether by Court Order or not. The psychiatrist would have treated this as some form of psychiatric episode or a crazy behavior. Dr. Conrad Daum thought Brian had “psychosis” a month after Brian David Hill was arrested. Something clearly wasn’t right with Brian that night, he was not psychologically cleared by the normal standards of

Hospitals. Dr. Conrad Daum's diagnosis conflicts with the Officer's fact of claiming that Brian Hill had been psychologically cleared.

3. Brian kept claiming there was a guy wearing a hoodie threatening to kill Brian's mother. Again, Dr. Conrad Daum a forensic psychiatrist thought Brian had "psychosis" a month after Brian David Hill was arrested, after listening to Brian's story about the guy in the hoodie. The Officer acted as though Brian's story or timeframe didn't really add up. Well, if you are hallucinating or suffering under a psychosis which both symptoms are caused by Carbon Monoxide gas, or if maybe Brian Hill was drugged and that made him see things which clearly others did not see. The psychiatrist who evaluated Brian at the Hospital that night should have spoken directly with Officer Robert Jones who arrested and handcuffed Brian. If the Officer tells his viewpoint that he doesn't believe the "guy in the hoodie" even exists, then that in combination with the evidence of "self-harm" in paragraph 1. as noted above, should have been more than enough to justify involuntary commitment to the Mental Ward whether by Court Order or not. Brian is claiming to have seen and heard things that other people did not find or see, that should have been grounds for involuntary commitment to the Mental Ward. The problem was that Brian believed in the guy in the hoodie so much, thought he was real that Brian didn't think it was something only he could see. Somebody who had a psychiatric

breakdown or psychiatric episode would not admit to that. A crazy person will not admit to being crazy. The police should have described what had happened and Brian would have been committed to the Hospital. The problem was Brian's family was not asked questions by the evaluator at the Hospital. The Officers who dealt with Brian's nakedness were not asked questions by the evaluator at the Hospital. So the evaluator didn't know or understood that Brian David Hill had needed to be hospitalized at the time instead of being discharged prematurely, labeled as "psychologically cleared". What a load of junk.

4. Brian David Hill clearly was suffering under Carbon Monoxide Gas poisoning, or under a gas or substance or narcotic or alcohol or something. As for why he wasn't drug tested by police, I wouldn't know? If Brian was committed upon looking at his body to see the cuts and abrasions on his naked body which would be considered evidence of self-harm, they could have conducted more laboratory tests and drug tests, find out why Brian had behaved the way he did that night. They would have found weird levels in his blood and that would have led to a Carboxyhemoglobin lab test which would have found evidence of Carbon Monoxide Gas poisoning. The Fire Marshals of Henry County would have gotten involved with Brian's case, and the Police would have considered not filing any charges. The result would have been different. That is a fact.

18. Any and all statements Officer Jones ever says or claimed about Brian Hill's claims toward police may even be hearsay because if they were so confident that Brian David Hill was just some liar and that was it, then why was there spoliation of evidence, spoliation of evidence of Brian's statements through the body-camera footage because that footage was destroyed by Martinsville Police Department. DESTROYED, despite the Court Orders for discovery materials and recorded statements of the Defendant and Brian repeatedly begging for the bodycam footage through written letters. Like the written letter by Stella and Kenneth Forinash. It is clear that regardless of what was found on the SD Card and using Brian's claims against him to attempt to manufacture intent out of thin air, it is clear that his Autism Spectrum Disorder negates intent and there was no intent because they never verified that Brian was clean of any substances, drugs, anything. Brian could have accidentally ate or sniffed bath salts which anybody can buy in any store and that could have led up to what had happened. Brian could have smelled chemicals long enough to affect his brain. Because the Officer never believed Brian's factual evidence that Brian had Autism, never tested Brian for any drugs, substances, gases, anything, Brian had cuts and abrasions all over his body while making statements to Officer Jones. His statements about anything that night should be subject to being treated as UNRELIABLE. UNRELIABLE STATEMENTS.

19. It is clear that Brian David Hill did not have clear intent and the Virginia Code § 19.2-271.6 codified statute has shown that Autism Spectrum Disorder is relevant to be

used as a defense as a matter of fact regarding the "intent" element when intent is necessary to sustain a criminal conviction.

20. The Officer brought out that Brian Hill had flashlights, a camera and SD Card, clothes in the backpack, shoes, socks, but nothing else. No extra batteries for this camera, no tripod for this camera, no cleaning cloth for the camera lens and not even an extra SD card. If Brian had any intent to do this, then why just a camera and a SD card??? Why not bring his camera bag??? Why not bring extra batteries and SD cards? Why not bring his diabetic insulin and glucose tablets too??? Why not bring a cell phone for that matter??? Any maps or notes??? Anything to help him with his so-called “intent” to commit such an offense??? No extra batteries for this digital camera while walking naked miles away from home??? No sodas??? No apple juice, nothing, no snacks??? Doesn’t that seem weird for a guy intending to do this??? No food or drinks for a diabetic miles away from home at night without a cell phone???

21. How would Brian take the photographs without something like a selfie stick or a tripod??? Would it be farfetched that somebody drugged Brian and just directed him to pose for the photos like Bill Cosby drugging women to have sex with them??? How is it possible for Brian to take the photographs??? Where is the link here?

22. Doesn't matter what Officer Jones had claimed in the Transcript or of what U.S. Probation Officer Jason McMurray had claimed in regards to the SD Card or anything. Brian's claims were unreliable in 2018 and should not have been used to

determine lying or telling the truth. They didn't even believe Brian had Autism and took his statements as if his Autism didn't even exist but it did exist.

23. Brian did not have intent, it doesn't matter about any of Brian's statements made on September 21, 2018 because they were unreliable when the Officer did not accept or believe Brian had Autism that night. Didn't test him for any drugs or anything at all. The Officer didn't know Brian was diabetic when it is extremely important to tell an arresting officer that your insulin dependent diabetic. That doesn't make any logical sense either for somebody who may be intentionally planning and wanting to do this. Brian's statements made to Martinsville Police are impeachable and cannot be used to determine his intent. His intent cannot be determined based on Brian's claims about a guy in a hoodie. Intent cannot be determined based on any of Brian's claims about an SD Card, all of that is irrelevant because of Brian's unreliable statements due to his Autism. At this point Brian didn't say anything reliable on September 21, 2018, had no intent at all. His Autism Spectrum Disorder, as a matter of law, negates intent when intent applied under normal circumstances under a normal person arrested for a crime differ from somebody under the different behaviors of Autism Spectrum Disorder.

24. Judge Greer needs to read this expert witness whitepaper on Autism when questioned by a first responder, which would be, in this case, OFFICER ROBERT JONES. Here is a citation directly from the Whitepaper by Dennis Debbaudt:

**“Misleading indications of guilt”**

**“There will be occasions when first-responders refer a case involving a person with autism for further questioning. In most cases this will involve an individual who apparently communicates very well and has achieved a high level of independence in the community.”**

**“Higher-functioning or more independent individuals with autism may live alone or without constant supervision, be able to drive or use public transportation, hold a job, and enjoy leisure activities.** They may possess apparently normal verbal skills **but be deficient in comprehension, social awareness, and decision-making.** They may appear as quite normal at first, but the symptoms, behaviours, and characteristics - for example, providing blunt or tactless answers, changing the subject, or being unable to understand or accept a rational answer - will become apparent to the educated investigator. However, without an understanding of the disability it will be easy to misinterpret the information provided as an indicator of guilt. They may provide no eye contact at all, even when a questioner shifts their position to obtain it. The person may have been taught to give eye contact but this may be perceived as insincere, glaring, or fixated. The interviewer may mistake this unusual eye contact as a tension-relieving technique used by a guilty person, when it is nothing more than a symptom of the condition of autism. **When stressed, communications skills may diminish or disappear. Answers may seem evasive or unconnected to the question that was asked.** Individuals may appear belligerent, argumentative, stubborn, or inattentive - behaviour that may seem indicative of a person with something to hide. They can easily become the object of increased scrutiny by the questioner.”

However this Court needs to take note as to Dennis Debbaudt’s expertise regarding the issues of Law Enforcement questioning an autistic individual who **“may live alone or without constant supervision, be able to drive or use public transportation, hold a job, and enjoy leisure activities.”** Brian’s autism issues are worse than regular people with autism. So his situation is far worse.

25. As outlined in paragraph 24 citation, Brian David Hill had no “drivers license” and does not even drive a car. Brian’s autism is worse than a highly functional autistic person theoretically argued in Dennis’s whitepaper. He cannot drive and cannot use

public transportation alone. He requires his mother, Roberta Hill who is his caretaker to drive him everywhere. Even Doctors' appointments and Dentist appointments. His mother has to drive him to go hiking, go shopping, and even go out to eat at a restaurant. Brian's situation differs and is far worse than an autistic person who can "hold a job" as Brian D. Hill does not work a job and is permanently disabled. He does enjoy "**leisure activities**" but always under the supervision of his mother. He can enjoy "**leisure activities**" at home without his mother needing to drive him in a car, but it is limited to things like television, playing video games, talking on the phone, faxing, working on legal documents and papers, watching shows or movies, just regular normal lawful activities and stuff. Robert Jones took Brian's statements as if they did not add up which was why he thought Brian was lying. Dennis makes an explanation about that in regards to autism. He said again: "Answers may seem evasive or unconnected to the question that was asked". That answers the question there. So the officer already didn't want to believe Brian had Autism. Brian warned Officer Robert Jones that Brian had Autism and he didn't want to believe it. Brian's statements are UNRELIABLE and INEFFECTIVE.

26. Dennis said that people with Autism being interrogated or questioned may produce a faulty investigation or even a false confession. He said from his whitepaper report that: "Without some elements of "trickery", such as leading the suspect to believe that the police have some tangible or specific evidence of guilt, many interrogations will

be totally ineffective' (Inbau and Reid 1967, p.196)...**The higher-functioning person through his or her responses, and the unaware interrogator through their beliefs, may become unwitting accomplices to continuing a faulty investigation** in the best case or, in the **worst case, to extracting a false confession.**” Martinsville Police had a faulty investigation. Charged Brian David Hill quickly without understanding that Brian Hill had Autism and without believing Brian had Autism. The entire indecent exposure case was a “faulty investigation” and was conducted with unreliable responses.

27. The Hon. Judge Greer must understand that Defendant’s AUTISM is far worse than even a regular high functioning Autistic individual who can “hold a job” and “drive a car” or use “public transportation”. That is why Stella Forinash, Kenneth Forinash, and Roberta Hill know so much about Brian and has been with him at pretty much every Court hearing or Court appearance. The reason why is because Brian Hill cannot take care of himself because of his time consuming Obsessive Compulsive Disorder hand washing and body washing routines every time he uses the bathroom, his obsessive GermX or hand sanitizer usage to keep himself clean at all times, his Type 1 Brittle Diabetes, and his Autism. Brian was lucky not to have been dead that night, your honor. The Officer said nothing else as to what was found in his backpack with exception to the clothes, flashlights, and camera. What about a cell phone to call home? What about a map? What about extra camera batteries? What about any medical supplies? What about snacks or drinks? What about insulin or glucose tablets? To go miles away from

home without extra batteries for the camera? No insulin? No glucose tablets or snacks? No water bottles or drinks? No cell phone? No ability to call for help? No money to walk into a store to buy something? No medicines at all? WHERE IS THE INTENT HERE? WHERE IS IT?

28. Glen Andrew Hall, Esquire was either completely ignorant, stupid, or he knew that his prosecution was shoddy and faulty from the very beginning. He should have wondered why Brian with Autism did what he did??? Brian didn't repeat those behaviors. Somebody who actually enjoys those types of behaviors would have done so repeatedly as if addicted to it and needs it to be some form of excitement or whatever it is. That did not happen with Brian. Glen Andrew Hall is only a prosecutor, a lawyer, he is not a medical expert, and he knows nothing of Autism Spectrum Disorder. Defendant requests that Glen Andrew Hall prove he understands and knows about Autism. Glen Andrew Hall should file an affidavit in this Court as to his expertise and training in understanding behaviors of "Autism". If Glen Andrew Hall cannot even do that, this Court should grant Brian's MOTION for judgment of acquittal.

29. There is a reason why the higher Courts in the Commonwealth of Virginia regard nudity and nothing more as not violating Virginia Code § 18.2-387. As to why nudity must appeal to the prurient interest in sex as to violate Virginia Code § 18.2-387. If we must arrest and convict somebody for simply just "being naked" and alone somewhere, maybe at the wrong place at the wrong time without even a warning from

the police, we can then arrest people at gyms, bathhouses, hot springs in Japan like in onsens. With the existence of gay and lesbian people, even men might feel offended or aroused to see another naked man. So are we going to call the police at a gym shower or sauna and arrest other men because a gay man might be offended or aroused at seeing another man naked? What about Nudists? Should cops go busting Nudist Resorts and Nudist Clubs and Beaches because one clothed person might try to sneak in there and start feeling offended or sexual about it and demand the club or resort be arrested for indecent exposure? What about the Virginia Museum of Fine Arts, a Government operated or Government funded Museum?

30. Hey, Glen Andrew Hall and Judge Greer, let's look at the Commonwealth's Museum of Fine Arts (a state Museum) in Richmond, Virginia with naked statues, naked people in paintings, and naked people in artwork. Defendant's family has the time marks of the specific artworks in certain sections of the video footage. See [https://www.youtube.com/watch?v=mQpWQD\\_m7\\_A](https://www.youtube.com/watch?v=mQpWQD_m7_A). They did the research and recorded the time stamp markings for these examples. See how in 2 minutes and 59 seconds of the video, a nude statue. 3 minutes and 6 seconds into the video and more nudity. 3 minutes and 17 and 18 seconds into the video. 7 minutes straight into the video show two women naked with their breasts exposed. I bet there was more nudity artwork and statues not shown in the video. How would I know, I cannot use the internet, however I had visited that Museum years ago personally and saw the artwork there, but

my family can research online and they are determined to show the contradictions of the Commonwealth if they want to continue dragging this needless case out. The Commonwealth should arrest the Commonwealth Museum employees and arrest anybody working for the Commonwealth of Virginia who puts out nude artwork for violating § 18.2-387, arrest them all, doesn't matter if the Government permitted nude artworks and nude statues. I might be offended or aroused at those. They are illegal right??? The Commonwealth continues pushing the letter on this case and refuses to accept anything other than guilt, guilt, guilt. Got to be fair right, equal protections under the law, right? I should start pushing for criminal charges against all of the Art Museums who have nude statues. I should file charges against all of the Nudist Resorts as dens of indecent exposurers. I must start pushing people to file criminal complaints against all of them including gym showers and bathhouses, even saunas. I must push for all of them to be arrested. That sounds crazy and ridiculous. Again, See *Price v. Commonwealth*, 201 S.E.2d 798, 800 (Va. 1974) (finding that "[a] **portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene**")." *Romick v. Commonwealth*, No. 1580-12-4, 2013 WL 6094240, at \*2 (Va. Ct. App. Nov. 19, 2013)(unpublished)(internal citations reformatted). Nudity is not obscene.

31. Then back to court appointed Attorney Matthew Clark telling Brian that if he appears before a jury, they would be Christian Bible Belt jurors who would all feel disgusted of Brian being simply "naked". As said in the recorded phone conversation

between Brian Hill and Attorney Matthew Clark. Brian has an argument against the Bible Belt jurors who will be prejudicial. The bible talks about people being naked. See King James Version 2 Samuel 6:20-22: “Then David returned to bless his household. And Michal the daughter of Saul came out to meet David, and said, How glorious was the king of Israel to day, **who uncovered himself to day in the eyes of the handmaids of his servants**, as one of the vain fellows shamelessly uncovereth himself! 21 And David said unto Michal, It was before the Lord, which chose me before thy father, and before all his house, to appoint me ruler over the people of the Lord, over Israel: therefore will I play before the Lord.” King David of the bible should have been arrested for indecent exposure. That bible verse shown that King David, probably drunk wine during the celebration of acquiring the Ark of the Covenant, danced naked in the celebration. In John 21:7 said: “7 Therefore that disciple whom Jesus loved saith unto Peter, It is the Lord. Now when Simon Peter heard that it was the Lord, he girt his fisher's coat unto him, (for he was naked,) and did cast himself into the sea.” The apostle Peter of the bible should also have been arrested for indecent exposure. Adam and Eve were both naked until they sinned and became aware of it, then was the feeling of shame. I know my bible, I read my bible. Of course there will likely be other bible verses to rebut the verses with the keyword “naked”.

32. Look, it is clear that the Defendant did not think straight, that he was not medically and psychologically cleared on September 21, 2018. His Autism was treated

as though it were invisible. The carbon monoxide gas exposure was treated like it was invisible. The “psychosis” diagnosis by Dr. Conrad Daum was treated like it was invisible. Brian who had no history prior to September 21st, due to no prior charges of indecent exposure and had no history of psychosis was given the diagnosis of psychosis in October, 2018. This was not known to the mental evaluator over sanity and competency in the General District court. This was not known to the one who evaluated Brian at the Hospital on September 21, 2018.

33. Prior to Virginia Code § 19.2-271.6., being updated to allow Autism Spectrum Disorder to be used as admissible evidence to show that a person does not have intent necessary to commit a crime, The Court of Appeals had ruled in Defendant’s appeal that: the sufficiency of the evidence, see *Smith v. Commonwealth*, 72 Va. App. 523, 523 (2020) (noting that “[w]hether the required intent exists is generally a question of fact for the trier of fact”) (emphasis added) (quoting *Brown v. Commonwealth*, 68 Va. App. 746, 787 (2018) (alteration in original)). However those cases were overwritten or must be modified or revised by the passage of new Virginia Code § 19.2-271.6 in the year of 2021. The new law overrides the old case law. Now the issue of “intent” must differ from those older case laws. Those older case laws must now be modified, revised, or treated negatively on appeal over the issues of “Autism” in regard to the intent element of a charge. During those case laws, Virginia did not have a statute which said codified into law that: “...**evidence offered by the defendant concerning the**

**defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant,...** shall be admitted **if such evidence (i) tends to show the defendant did not have the intent required** for the offense charged...For purposes of this section, to establish the underlying mental condition the defendant must show that **his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder**” (citation partially omitted in parts and reformatted).

34. The DMV placard and the form under a certified Medical Doctor said that Brian is “permanently limited or impaired. A permanent disability...” and it says Autism Spectrum Disorder is in there. Defendant is Autistic and is handicapped.

35. Defendant is INNOCENT. He clearly is innocent as a matter of law, pursuant to § 19.2-271.6.

**DEFENDANT SUBMITS THE FOLLOWING LAST MINUTE EVIDENCE:**

EVIDENCE ATTACHMENT	PAGE RANGE	DESCRIPTION
EXHIBIT 1	1-11 (33-43)	Witness “Letter of Support from Brian Hill’s Grandparents asking for an Investigation Into Brian’s sex setup in

		Martinsville, VA in 2018...”
EXHIBIT 2	12-17 (44-49)	Photocopy of Letter to Martinsville Police Chief G. E. Cassady dated March 13, 2019; and copies of return receipt (front and back) and USPS receipt and Certified Mail receipt.
EXHIBIT 3	18-30 (50-62)	Witness Letter from Stella Forinash of “photos of Brian with his black camera bag, black camera & baseball hat through the years on 1/26/2022.”

62 pages total

### **CONCLUSION**

Brian David Hill must be acquitted, found innocent, and his charge dismissed forever with prejudice. Brian David Hill = Innocence.

Officer Robert Jones did not know, understood, or even recognized Brian Hill’s “AUTISM”. Questioned Brian and had false assumptions that Brian was a liar or made statements that “didn't really add up” but again questioned Brian without understanding that Brian had “Autism” as documented by medical records from Carilion Clinic, TEACCH under the University of North Carolina, Virginia DMV, and even his public school records if necessary can prove Brian had difficulty with learning in school because

of his AUTISM, diabetes, and behavioral “meltdowns”. Meltdowns often are misidentified as temper tantrums but they are both separate things.

Glen Andrew Hall and the Judge of the General District Court did not know, understood, or even recognized Brian Hill’s “AUTISM”. In 2018, Autism at the time of his Trial was inadmissible as evidence for his defense prior to the passage of Virginia Code § 19.2-271.6, in 2021. The prosecutor or the Judge in the Trial on December 21, 2018, questioned Brian without understanding his Autism because his Autism was inadmissible, it was considered invisible and could only be used for a Motion to plead not guilty by reason of mental insanity at the time, thus the judge had false assumptions so he didn’t believe Brian’s statements and found him guilty.

It is clear that this Court should listen to all of the autism advocates of Brian David Hill including Stella Forinash, Roberta Hill, and Kenneth Forinash. It is clear that this Court needs a written affidavit and subpoena of Dennis Debbaudt. It is clear that the new law was created to stop further criminalization of Autism Spectrum Disorder. That law was created to end the imprisonment of Autism Spectrum Disorder. It had been treated as a criminal behavior for far too long, over petty crimes, ordinance issues, and misdemeanors which have consequences far beyond just the charge and conviction. The Virginia Law was created to curb the Circuit Court’s and General District Court’s miscarriages of justice by convicting Autism Spectrum Disorder. It is not a crime people are being convicted of, people are being convicted of behaviors caused by Autism

Spectrum Disorder or behaviors caused by other cumulative things which can cause or worsen an Autistic behavior. It is clear that a psychologist or psychiatrist needs to testify before the Circuit Court in regard to Autism Spectrum Disorder patients and being “naked” to see an expert testify as to how many “autistic” patients had been found naked at the wrong time but have no intent to violate Virginia Code § 18.2-387. Maybe an autistic individual is a nudist but gets naked in the wrong place at the wrong time and gets in trouble. There are better ways to deter such inappropriate behavior such as an officer giving a warning or educate an autistic person not to be nude at the public place. There are better ways than criminal convictions and imprisonment. That is why Virginia Code § 19.2-271.6, became law in 2021. To find better ways to deter such abnormal or inappropriate behavior without the need to convict as a criminal and destroy lives.

Brian David Hill is innocent, he did not appeal to the prurient interest in sex.

Defendant did not masturbate. Defendant never plead guilty, Defendant never admitted to having such intent. Defendant had proven that he permanently had and has Autism Spectrum Disorder since he was 4 years old. Defendant had no intent. Defendant is not guilty of Virginia Code § 18.2-387, and cannot be convicted of what had happened on September 21, 2018. A one-time incident which had not happened since. This is not a repeated behavior. It is crazy for the Commonwealth to fight tooth and nail like it is World War II or something. It was inappropriate what had happened on September 21,

Let this last minute evidence by Stella Forinash further show that police body-camera footage was intentionally covered up by Martinsville Police Department to hide the fact that Brian David Hill was scratched up and injured while making statements to Officer Robert Jones while naked. The police knew that footage would be favorable to the Defendant and destroyed the footage. The footage would disprove Robert Jones's claims of being medically and psychologically cleared. He did not ever look at the medical records and didn't believe Brian even had Autism but yet made false statements under oath that he personally and factually knew or believed that Brian David Hill was medically and psychologically cleared. That is not a fact. That is a fraud.

Brian D. Hill  
Signed Brian D. Hill

**U.S.W.G.O.**

## CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

I hereby certify that a true and accurate copy of the foregoing LAST MINUTE EVIDENCE was faxed or emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to Probation Conditions of not being allowed to use the Internet) or delivered this 31st day of January, 2021, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the

conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

  
Signed

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

**U.S.W.G.O.**



# **EXHIBIT 1**

## **for**

LAST MINUTE EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED”

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Sunday, January 30, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

**Letter of Support from Brian Hill's Grandparents asking for an Investigation Into Brian's sex setup in Martinsville, VA in 2018, investigating his sex setup in Mayodan, NC in 2012 as well as his set up in 2015 due to his Autism (small autistic meltdown not hurting anyone) while he was fighting to appeal his 2012 - 2014 case causing a Probation Violation Problem. Brian's Family is asking for an acquittal in both states & for him to be released from the sex registry as he is innocent and has been a victim for 10 years due to his AUTISM & to his USWGO website. The Proof of his innocence is in the Court Records in the Federal Middle District of NC. Both courts have the power to order this investigation after reading all of our proof that has been sent to both courts in January, 2022. We are Brian's volunteer autism advocates. I am submitting more proof in this letter & 2 documents included: one with photos of Brian (worth a thousand words – 12 pages) and another one (3 pages) where we asked the Martinsville police chief for the body cam at the time of Brian's arrest to be given to his lawyer after Brian had written 2 letters to him to give the body cam to his lawyer then contacted us about it. We are all citizens of Martinsville, and this police chief ignored all of us. Brian = Innocent.**

This letter is about what Brian wrote to his grandmother on 1-5-2019: Read this letter Brian wrote. After I write this, I will make sure that Brian approves. If he does, he has my permission to send anything he wants to the VA state & Federal NC court or anywhere. They (the NC federal court) have put this case together with his 2012 child porn set up which I think is great because this 2018 case was a set up as while. Maybe now someone will investigate 2 police departments and 2 police chiefs (one in Mayodan, NC in 2012 and the other one in Martinsville, VA) and extend to the courts.

For a long time, we knew that nothing could be done, and it's hard to go back, but due to this new law (We really thank God & His heavenly & earthly team for this new law about autism). To start with, we knew that Brian's autism had gotten worse and knew that someone with autism could leave the house alone at night. We thought he had his camera when he met this guy that night and just knew Brian would be upset about the police taking his camera, but he wasn't upset about that, then a year later when we were at the NC court, we saw a pink camera not a black camera, but months before that we went to this Western Virginia Regional jail in Salem, VA to pick up Brian's backpack. We re-read the federal transcript where the policeman told him that Brian said the guy in the hoody gave him the camera. We don't believe Brian took those photos. Due to his autism, if the people who probably drugged him told him he took the photos, he is probably repeating what they told him, all of this is part of his autism. His mom had never seen that backpack, but his clothes, shoes and 2 flash lights were in it. We were shocked to see no emergency supplies for his brittle insulin dependent diabetes as well as no hand sanitizer for his OCD. We didn't even think about where this backpack came from; Instead we were worried about why Brian didn't have his emergency supplies and realized away from his mom, he could have died; all of that walking could have caused a severe seizure and death. Apparently he had forgotten to take his insulin shot. We don't know, but he was apparently out of it

that night. We were thankful the police found him. We couldn't understand why someone with autism was arrested as this was a medical emergency situation; then came the federal arrest warrant.

We half believed the story about the guy in the hoody and half believed that he was hallucinating. After finding out about the carbon monoxide, it looked like it wasn't real, and he was hallucinating. We just found out that courts now have to take autism into account, and so we started reading the transcript from the federal court, and it all is making more sense that Brian really did see that guy in the hoody that night. He still talks about it and that he felt like he was drugged. He still has and had that night brittle insulin dependent diabetes, seizure history, autism first diagnosed in 1992 or 1993 as PDD, then autism in 1994, OCD, etc. Then 4 months after this happened, we found out he and his mom had been exposed to carbon monoxide for 11 months. We were all emotionally upset and confused.

Now after reading the transcript again, we realize just like the federal case of child porn, he was set up, and the people who did that in NC in 2012 admitted to him and his friends of doing it and have threatened Brian of doing other things to make sure he stays on the sex registry, threatening harming or killing him, threatening to set up attorneys who represented him, his friends and his family. We shared that information with you earlier and where to find these on the Federal court records in 2015. They no longer can send these to Brian's email or phone text, but his mom was getting weird greeting cards from Dec. 2017 until May, 2018 & a threatening letter in May, 2018 through the mail. Brian has made sure copies of these threats are in the federal court record and are dated, and we have shared this with locations to the court and other interested parties. We follow our Bible which says "Fear Him who is able to destroy both the soul and body. Fear not them which kill the body but are not able to kill the soul".

**We know this needs to be investigated, and Brian needs to be acquitted and removed from the sex registry as he was a victim and did nothing wrong.** We just wrote another document with photos of him with his camera bag that he takes with him when he & his mom go on hikes and when he goes with us on various trips and outings. In all (and thousands more we have) he is carrying a black or grey camera bag, a black camera and either has no cap or is wearing a baseball cap – no stocking cap. I own a pink camera (in a different home) and his mom used to own a pink camera, so his having a pink camera while out at night at a time that we were aware his autism had gotten worse, and we found out later that he was exposed to carbon monoxide didn't make us suspicious of a set up. Now thinking about everything and never seeing Brian holding a pink camera realizing that was not his back pack; he does not wear stocking caps, he did not have his camera bag that night. What really got to us was the set up with the pink camera – his name inside as the author. I just downloaded one of these forms "**U.S. PROBATION OFFICE MONTHLY SUPERVISION REPORT FOR THE MONTH OF**" which means anyone can download this and set you up, but it would be someone who knew that Brian was on probation and wrote all of those threatening emails & text. You can download one too at this website:

[https://www.vaep.uscourts.gov/sites/vaep/files/Monthly\\_Supervision\\_Report.pdf](https://www.vaep.uscourts.gov/sites/vaep/files/Monthly_Supervision_Report.pdf)

We submit the photos of Brian to the court because this is our proof that Brian's camera was black – not pink – Brian always carried a large camera bag with him when hiking or visiting various places. He wore a regular baseball cap, not a stocking cap. These photos of him were taken 10 days before his arrest (some were taken before 2018 and others after September, 2018). We can see where Brian in confusion could pick up a different camera than he uses, but we can't see him having nude photos, probation monthly report in it with his signature out walking by himself for miles in the middle of the night, no emergency supplies, and the police gets a phone call, arresting him right away and no

investigation, etc. That part is a setup as well as that not being his backpack, and Brian wore baseball caps not stocking caps. Top this off with a phone call to the police, no investigation & no body cam for the court. They arrest Brian right away and lie on the police report saying he was medically and mentally clear. With that, I want to share this letter with you. I had forgotten Brian told us more than once they knew his mom's name. I thought if he met a guy in a hoody, there is no way they would know who he was. I was wrong because the camera that he never uses shows his name so there's no way he accidentally picked up another camera that night. I will share that letter he sent to me with his approval, then take you to the NC Federal court records so you can see for yourself what he had to say.

1/5/2019

**BRIAN HILL (0021123)** [View All](#)

Western Virginia Regional Jail

Saturday, January 5, 2019 10:11 PM

I discovered that the new Petition for Warrant or Summons for Offender Under Supervision (PROB Form 12C) was filed under sealed, some Memo to the Clerk as well on 11/13/2018. That was in response to my Motion under Document #154, and Document #155 came on on 10/29/2018.

Response to my Motion to continue Supervised Release was due by 11/16/2018. The petition for my arrest that was sealed was filed on 11/13/2018 likely in response to my motion referring to what the guy in the hoodie did to me.

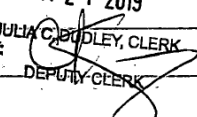
Grandma this may be Obstruction of Justice, and other crimes.

They were made aware of the guy in the hoodie threatening to have me get naked, I said it under Oath, their response was the Warrant for my arrest Documents 156, 157, and 158.

Grandma this is retaliation by the U.S. Probation Office in Greensboro and Assistant U.S. Attorney THUG Anand Prakash Ramaswamy. We need to tell the FBI about this. This is evidence of retaliation and selfish misconduct to cover up what really happened.

**\*\*\*** On this letter he sent to me on 1/5/2019 & to the court, he said that the guy told him that his mother, Roberta Hill would be killed if Brian didn't do that. Brian kept telling us "But the man in the hoody knew mom's name". He was near the Piedmont Community Services. Was Brian aware that he needed help or was he drugged and carried to that location? Was Brian in any shape to actually take photos of himself that night or did someone else take these photos? Who was this guy in a hoody who knew Brian's mom's name and handed him a pink camera with his name in it and a copy of this probation form that anyone can obtain from the Internet? Is it possible that the guy & others went in Brian's house and carried him down town? Brian said he kept his door unlocked because he was afraid and didn't feel safe in his home. Was this because he had been exposed to carbon monoxide for months? None of us knew about the carbon monoxide until 4 months after his arrest. Was there one person or more involved? **\*\*\* Look for red when I put Brian's descriptions after you read his letter. They will kill your mother Roberta Hill. Sounded like a white guy. I am a victim of a crime".**

In The United States District Court  
For The Western District of Virginia

United States of America, Plaintiff,	Criminal Action No.
V.	7:18-MJ-00149
Brian David Hill, Defendant,	CLERKS OFFICE U.S. DIST. COURT- AT ROANOKE, VA FILED JAN 24 2019 JULIA C. BUDLEY, CLERK BY:  DEPUTY CLERK

### Declaration

I am Brian David Hill and I am currently at the Federal Correctional Institution <sup>1</sup> in FCC Butner, North Carolina. I am aware that I am currently being evaluated for competency to assist my Counsel in my defense to the Supervised Release Violation charge referenced in charging Documents in Document #1.

<sup>1</sup>  
Case 7:18-mj-00149-RSB Document 12 Filed 01/24/19 Page 1 of 5 Pageid#: 43

On late night September 20, 2018 between 11:00PM to midnight, I was walking around the warehouse that is right at the entrance of downtown Martinsville, near the building of Piedmont Community Services located at 24 Clay Street in Martinsville, Virginia. When The Dick and Willie hiking trail and a road beside that trail is beside that big warehouse. A man wearing a dark colored hoodie waved his hand to get me to go over to the trees that is beside the hiking trail, I think

They were pine trees. He told me as soon as I got close to him that "You will get naked in public, walk on the Dick and Willie trail, find a spot to take pictures of yourself then place the camera or SD card at the bench after Southern Finishing Factory, if you do not do this they will Kill your mother Roberta Hill. Do you understand?". I responded with "yes, I will do it, please don't Kill my mother." He said "go and do it or else". He was between 5'ft and 6'ft, slim, wore a hard mask, sounded like a white guy, maybe 160lbs.

I had filed Status Reports, Declarations, and other pleadings after what had happened and told the U.S. District Court in Greensboro, North Carolina about what happened. In case no. 1:13-CR-435-1, Middle District of North Carolina, the Court should review Documents #152, #153, #154, #155, #161, #162, #163, #164 and #165. I had also written letters to my supervising United States Probation Officer ("USPO") Jason McMurray about what happened and how I emotionally had felt about it while I was incarcerated in Martinsville Jail.

Case 7:18-mj-00149-RSB Document 12 Filed 01/24/19 Page 2 of 5 PageID# 44

I had also written to the Virginia Attorney General about what had happened in multiple letters, the last one dated January 17, 2019 with Certified mail tracking no. 7018-1130-0000-8936-6214. I have been honest with them, the Court, and my Probation Officer about what had happened on September 20-21, 2018. I have been respectful with USPO McMurray and I have been compliant with him. I am a victim of a crime on Sept. 20-21, 2018. The Supervised Release Violation came from my technical charge of indecent exposure in the Martinsville, Virginia Court system on September 21, 2018, at 55 West Church Street, and with the case no. C18-3138. I am confident that I can be found innocent by bench trial (trial de novo) in the Martinsville Circuit

**“I am a victim of a crime on Sept. 20-21, 2018”.**

REVIEWING what Brian wrote to the court on 10-17-2018 (DOCUMENT #153 sent to Middle District of NC case #1:13-cr-00435-TDS). He felt like someone was watching him while he was mowing the yard on 9/18/2018 between the hours of 1-4 PM. He was talking on a talk show on 9/19/2018 about his federal case and the Americans with disabilities act. On 9/20/2018 some of his memories had been blocked out. He was under stress & anxiety. He was keeping his apartment doors unlocked, was psychologically afraid to sleep on his bed, sometimes sleeping on the couch and had a bad feeling that something bad was going to happen to him. Page 3 of 11: He had gone to a resort in Western Virginia in his own district a few days before and did not want to come back to his house. We present to the court photos of him on 9-12-2018 taken 9 days before the arrest date of 9-21-2018. He explained “As if something was terrifying in my psychological mind, and I haven’t kept my door or doors locked”. While at his house, he kept his doors unlocked according to document 153. He left his house at abt 11 to go walking beside the road on the sidewalk. He walked to the Dick & Willie Trail (miles from his home) and about 11 to 12 midnight he met a guy in a hoodie near a warehouse who told Brian to remove his clothes and take photos of himself and leave the SD card on the nearby bench. He said the guy was probably white, 5 to 6 ft tall. This guy told Brian if he didn’t do this, he would kill Brian’s mother and named his mother. Brian thought he might have been drugged.

(NOTE from Brian’s family: Brian always took his camera when he left the house to go walking, took many nature photos and liked to take photos of old factories. He had never taken any photos of himself and did not want anyone in his photos. This is the first time he had ever left the house by himself and first time he has walked around at night for miles away from his home. NOTE: Later we found out that was not his camera, not his stocking cap and not his back pack. His clothes were in the backpack. Brian has autism. Brian is a brittle diabetic who takes several insulin shots per day, and he has seizures when his glucose goes too low. Walking a lot causes his glucose to go very low. He needs someone with him at all times when he is walking. Brian’s family found out that he was exposed to carbon monoxide for about a year in his apartment 4 months after his arrest on September 21, 2018. His description leading up to the guy in the hoodie is the description of someone exposed to carbon monoxide. Then again he could have been set up & drugged. He did not have his camera bag that night. He always takes his camera bag with him and his black camera as well as his emergency supplies. According to the hospital records, his pulse stayed over 100. The hospital records did not show his glucose which meant they did not check to see what this insulin dependent diabetes’ glucose was. We had a cousin on insulin who went to visit a neighbor with her husband. When they came home she took her coat off and was in her living room in the nude with her sons right there. She was explaining to us about the glucose lows after we found out about Brian in 1992.

On this website: <https://www.centralhtg.com/blog/carbon-monoxide>

**SYMPTOMS & SIGNS of CARBON MONOXIDE poisoning:** Aggravation of preexisting diseases: During the year that Brian was exposed to Carbon monoxide in his apartment, he had a bad fall one night requiring stitches, and he had 2 seizures another night. His OCD routines (showers & hand washing) were now lasting twice the amount of time than they were before the exposure to carbon monoxide (instead of 2-4 hours per day, it was now requiring 6-8 hours). He & his mom were

complaining to grandparents that they were both extremely tired and having a lot of headaches. Brian kept complaining that he was forgetting things and couldn't think straight. The night he left the house on Sept. 20, 2018 is an autism symptom that he had never displayed before as an adult: Wandering away from home. See the 2 page paper next about children and adults wandering from home:

<http://www.in.gov/legislative/interim/committee/2012/committee/minutes/AUTIF88.pdf>

This document "Indiana Comprehensive State Plan for Individuals with Autism" by the Indiana state government of representatives and medical staff and was written in August, 2012 will explain more. On page 6-7 of the PDF link above (1-2 on the pages we printed) entitled: *Plan Your Response for an Autism Emergency by Dennis Debbaudt* 2012 Autism symptoms are similar to Alzheimer's disease and dementia. Make sure the court sees Brian's Virginia permanent disabled parking placard with his name and address number P01307266 that was issued on 8/3/2016 and is clearly marked "Has been diagnosed with a mental or developmental amentia or delay that impairs judgment including, but not limited to an autism spectrum disorder;

<https://www.courtlistener.com/docket/4304407/152/united-states-v-hill/>

United States v. HILL Status Report — Document #152 District Court, M.D. North Carolina Docket Number: 1:13-cr-00435 Date Filed: October 3rd, 2018

**"Does Martinsville Police understand that lying to a Federal Officer is a federal crime?" – referring to what Sgt. Jones said to Brian's probation officer. I guess there are dirty cops in Martinsville too". I again promise my mother that that incident will never happen again."I was threatened" "I don't trust MPD police liars. I want FBI involved, please". Please read these. Thank you.**

Motion to Appoint Attorney — Document #153 District Court, M.D. North Carolina Docket Number: 1:13-cr-00435 Date Filed: October 17th, 2018

<https://www.courtlistener.com/docket/4304407/153/united-states-v-hill/>

This one is on Page 3-4 in this letter document. **He thought someone was in his back yard watching him as he was mowing: 9-18-2018. "I called into a political talk show after I was invited on Blog Talk Radio on 9-19-2018". "Talked about the Americans with Disabilities Act. One woman said if I had an IEP when I was in school, then they can or might get in trouble the way it was handled regarding my criminal case". Brian was under that IEP the entire time he was in school due to diabetes, seizures & autism, and had a one on one assistant the entire time he was in school and was sent to Amos Cottage (a part of the Winston Salem, NC hospital) for an entire month when he started Kindergarten in 1995. "On Sept. 20, 2018 some of my memories have been blocked out. My mom had also noticed that my doors were not beng kept locked. I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling that something bad would happen to me. Went to resort in my district, and my family noticed that I didn't want to go back home. And I haven't kept my door or doors locked.** This is why I wonder did he actually walk by himself downtown OR did someone come to his apartment, drug him & removed him from his apartment? I asked his mom if his doors were unlocked. She said a few times she would check them & they were unlocked. It all has been sounding to me like autism that we all know had gotten worse,

especially after finding out about the carbon monoxide. Sometimes Brian communicates very well, and other times you have to listen, be patient to figure out what he is saying, but I wonder if he even really knows what happened. Was he really drugged? He did say that he only remembers certain parts about that night, and I'm now thinking there was more than one person involved and the same people who had been involved since 2012. Am I wasting my time here? Will all of our proof be ignored here just like it has been since 2012? This is a long article to read so I won't type anything more from this page. He's now talking about being downtown & the guy in the hoody and the walking trail he was on all night. He did say **"At one point I felt like I might collapse so I may have been drugged. I had a feeling it had something to do with my case, the threats from tormail.org, messages that were successfully carried out. When he realized they were police, he said "I have autism" over & over. He told the police that he was attacked. "I told Jones that I need to talk to a detective". Brian explained later about the threats he & his mom had received. "I was set up with the sex crime of indecent exposure just like the 2013 tormail said would happen". "I'm sorry, Mom, I was scared and didn't know what to do". "I am tired of feeling afraid for my family and my life. It's tearing me apart". "Let me prove my innocence. I have facts of innocence. Let me prove it. People with autism can be manipulated easily, threatened, abused"**.

Motion for Miscellaneous Relief — Document #154 District Court, M.D. North Carolina

Docket Number: [1:13-cr-00435](#) Date Filed: October 24th, 2018

<https://www.courtlistener.com/docket/4304407/154/united-states-v-hill/>

You can read the other things that Brian submitted to the court about that night. I have put links here from court listener to make them easier to find, or you can find them on Pacer too. The federal court in the Middle District of NC has connected 2018 to 2015 and the set up in 2012. All of this needs to be investigated including all of the threats which Brian, his family, friends & and some court appointed attorneys from NC have received documented in federal court records (from 2012-2018) as well as his family's & autistic advocates' proof from their personal investigation in January, 2022. These threats have been sent to NC, VA and others states using email, phone text and the US Post Office, and it looks like in person attacks in Martinsville, VA in 2018. Remember these setups are being aimed at a young adult who loves God, his family and his country and has autism and many other disabilities.

Document 155:

<https://www.courtlistener.com/docket/4304407/155/united-states-v-hill/>

Document 161

<https://www.courtlistener.com/docket/4304407/161/united-states-v-hill/>

Document 162

<https://www.courtlistener.com/docket/4304407/162/united-states-v-hill/>

Document 163

<https://www.courtlistener.com/docket/4304407/163/united-states-v-hill/>

Document 164

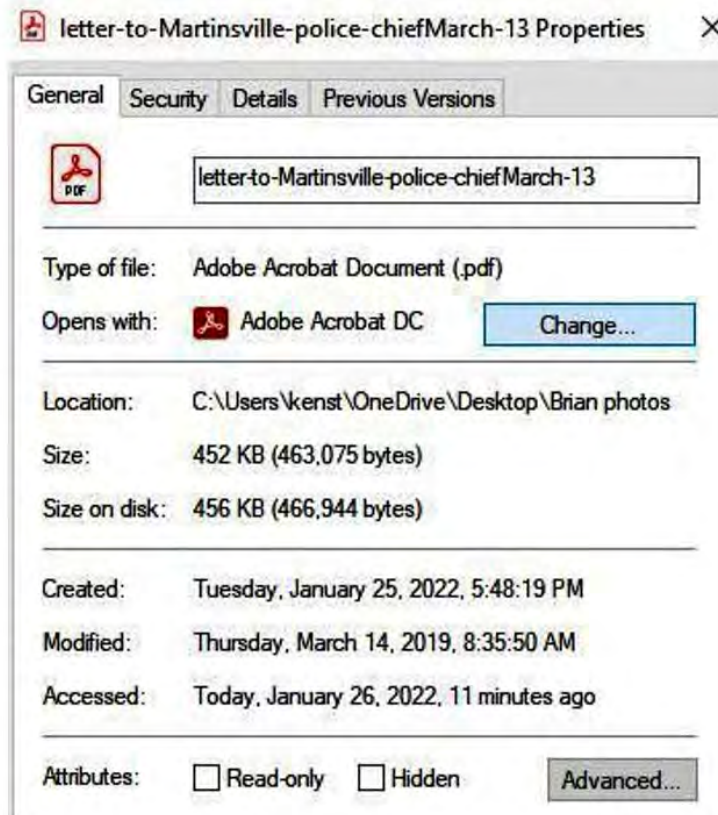
<https://www.courtlistener.com/docket/4304407/164/united-states-v-hill/>

Document 165

<https://www.courtlistener.com/docket/4304407/165/united-states-v-hill/>

I am now going to put my name, email address, phone number and mailing address. I want to let those real criminals, guilty people who have been putting Brian and his family under mental torture since 2011 and deceiving all courts, there is a God in Heaven who is watching you and seeing all, and the day of His judgment is coming. You need to come clean, ask for forgiveness and turn yourself in to the police and courts. If you try anymore attempts to hurt Brian or his family in any way, people in authority will be contacted because now the courts do recognize autism as a defense, and it is covered under the Americans with Disabilities Act for years. Brian and his family will fight you all of the way. We don't fear you and will come back to fight in the US legal ways with the help of Almighty God.

We all live in the city of Martinsville, VA. If we can't go to the police or to the police chief for help, where do we go to in case of emergencies? Brian wrote to him more than once. We sent this 2 page letter to him in March, 2019. He ignored it and us and Brian and never contacted any of us. The next 3 pages will be a copy of the letter we sent to the Martinsville police chief in PDF form in 2019. Brian will include the US mail receipt we gave him. This is a copy I obtained from our PDF:



To the courts: During this investigation, we are willing to help with the investigation and answer any questions, but please help our disabled grandson who is innocent and really does try to obey all laws. We have put some of his photos in this court (with his approval) as well as some of his USWGO video links just to show you who Brian really is and not how the court since 2013 have portrayed him to be. He needs to be removed from probation as well as the sex registry which is supposed to be to warn all of us to be alert about those who are guilty

and not for an innocent person with autism who has never committed any sexual act to hurt anyone, remains a virgin at the age of 31, doesn't drive and has to have a medical assistant with him at all times due to his many disabilities even someone to check his blood glucose in the middle of the night.

Thank you so much for reading everything we have sent to this court in January, 2022 after we have learned more in the new Virginia law about people with autism in the court system. Please help our grandson get his life returned so he won't have to continue fighting and sending things to the courts. He has lost 10 years of his youth because of this. He has no intentions of suing anyone because he just wants his freedoms returned to him as they should never have removed them in the first place. Thank you in advance. If you want me to resubmit this with a notarized signature, just let us know.

Stella Forinash

Email: [kenstella@comcast.net](mailto:kenstella@comcast.net)

Phone: 276-632-2599

Mailing address: 201 Greyson St., Martinsville, VA 24112

# **EXHIBIT 2**

## **for**

LAST MINUTE EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED”

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Sunday, January 30, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

March 13, 2019

Martinsville, VA Police Department

Mr. G. Edward Cassady (Martinsville, VA police chief),

We are citizens of Martinsville, VA and before September, 2018 had nothing but good things to say about our police department. We felt that we were living in a good city (town) that we could trust our police department. Our grandson, Brian David Hill had a terrible encounter with a police department in North Carolina and was set up with child porn on his computer in 2012. He moved to Martinsville, VA in 2012 and refused to ever go back to his home where he had lived for over 7 years. He is on the sex registry due to this federal charge and is under probation. We have the proof beyond a shadow of a doubt that he is innocent and never viewed or knowingly downloaded child porn. We couldn't afford the \$300,000 it would take to defend him in court, so he was appointed an attorney who ignored all of our proof at the time and talked Brian's family into telling him to take the guilty plea so he could get out of jail and come home under probation. Not knowing what else to do, we talked Brian (who was innocent and fighting this all the way to prove his innocence) to say "guilty". By 2017 we had all of the proof of his innocence, still could not afford an attorney and no one came forth pro bono, so our entire family submitted Brian's 2255 to the federal court in NC in November, 2017. Anyone who would take the time to read this and look at all of the proof would know that he is innocent.

We are still waiting for an answer from the court 16 months later, and Brian was still on probation at the time of his encounter with the Martinsville, VA police department. Brian has brittle type 1 diabetes requiring insulin shots and blood tests several times a day and at night which causes his blood glucose to go way up and way down each day and has had this since he was one year of age in 1992. He has had seizures since he was 2 years of age, has had PDD and autism diagnosed since he was 2 years and 4 years which required legal documents each year in school. He has had severe OCD and anxiety since the age of 12. A few months ago he had 2 seizures in one night so his mom started getting only 6 hours of sleep a night to check his blood glucose sooner and hopefully avoid anymore seizures.

This encounter that happened to Brian in September was not like Brian at all. Being in the nude in public and taking photos of himself is something he has never done. He has never left the house by himself day or night to go out walking by himself. What was really strange is that this was at night, and he was alone and miles from his home and was confused. Brian has never driven a vehicle because his blood glucose goes down fast causing insulin reactions or seizures. He is very intelligent. He can go for weeks not even acting like he has autism, and then there are other days that he is not in the world and is totally autistic. We never know what each day will present. He has been on the Virginia medical waiver which requires 40 hours of paid assistance each week since 2012 and on SSI disability since February, 1992 when he was 21 months old. Really he requires 24 hours of assistance, and what happened in September is proof of that. REACH (autism in VA) and the Piedmont Community Services will be involved in his case when he is released from jail, and they are working on an emergency DD waiver (for his developmental disability – autism spectrum disorder) for him because he needs a lot more care than his family can give. We have never known Brian to hallucinate, but when he described

what happened, it sounded at first like it was an hallucination, but he still to this day says that guy in the hoodie who sounded like a white guy was there, threatening his mom and told him if he didn't get in the nude, he would kill his mom, so Brian did all of this to save his mom's life. He was alone without his family to help so didn't know what to do and without thinking at all just did everything that guy told him to do. This presents more questions: Did the police make any attempt at all to see if there was a guy in the hoodie around the Martinsville trails? They did the right thing to take Brian to the hospital. Did the hospital check to see if there was anything like carbon monoxide in his system or anything that would cause him to act in such a bizarre way? The Martinsville Hospital should have on record that he has autism, brittle diabetes, seizures, anxiety and OCD as he was a patient in the hospital in December 2013. They should also have on record where he had a bad fall a few months before this, and they put staple type of stitches in his forehead. He should have been admitted to the hospital and given a better examination. If this had been an elderly person with dementia or alzheimers, would this person have been arrested? How much training does the Martinsville, VA police department have dealing with someone younger with autism? Due to this arrest, it was considered a probation violation, and Brian is at Butner in NC right now for almost 2 months having a federal court order examination.

Please show some respect for this young, disabled citizen of Martinsville, VA and reply to the 2 (and now 3) letters that he has sent to you asking to give a copy of the body cam footage to his court appointed attorney as he is fighting these charges in court. He told the police that he has autism and told you the same thing twice in letters. We have made a copy of his disabled DMV card with the autism information of a permanent disability which can cause confusion and the episode that happened to him in September, 2018. We have retyped his letter to you so we can have a typed copy, and we're sending his hand written request in this letter. He will be leaving Butner about March 25, so please respond as soon as possible. He has been waiting almost 2 months for your response and has sent that to you twice and was very respectful.

Sincerely,

Brian David Hill's grandparents

Enclosed 10 pages plus this letter – please respond to Brian David Hill at the address he provides before March 25, 2019. We have copies of all 12 pages in this envelope and are making sure that someone in this police department signs for it and have tracking information as well, and it is addressed to you. Thank you.

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

GE CASSADY, CHIEF OF POLICE  
55 WEST CHURCH ST  
MARTINSVILLE, VA 24112



9590 9402 3915 8060 4856 85

## 2. Article Number (Transfer from service label)

7018 1830 0001 9309 1586

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X

☐ Agent☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

3/18/19

## D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☐ No

## 3. Service Type

- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                         | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery     | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                         | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery      | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Collect on Delivery                     | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

# U.S. Postal Service™

## CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

MARTINSVILLE, VA 24112

Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee)	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$1.30
Total Postage and Fees	\$7.60



## Sent To

GE CASSADY - CHIEF OF POLICE  
Street and Apt. No., or PO Box No.  
55 WEST CHURCH ST  
City, State, ZIP+4®  
MARTINSVILLE, VA 24112

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

USPS TRACKING#



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 3915 8060 4856 85

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

KEN & STELLA KORINASH  
916 CHALMERS ST, APT A  
MARTINSVILLE, VA 24112

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

MARTINSVILLE, VA 24112

Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee)	\$2.80
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$1.30
<b>Total Postage and Fees</b>	<b>\$7.60</b>



Sent To  
G-CASSADY - CHIEF OF POLICE  
Street and Apt. No., or PO Box No.  
55 WEST CHURCH ST  
City, State, ZIP+4®  
MARTINSVILLE, VA 24112

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

MARTINSVILLE  
1123 SPRUCE ST  
MARTINSVILLE  
VA

24112-9998  
5156520362

03/14/2019 (800)275-8777 11:38 AM

Product Description	Sale Qty	Final Price
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First-Class Mail	1	\$1.30
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Large Envelope

(Domestic)

(MARTINSVILLE, VA 24112)

(Weight:0 Lb 2.60 Oz)

(Estimated Delivery Date)

(Saturday 03/16/2019)

Certified	1	\$3.50
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(@@USPS Certified Mail #)

(70181830000193091586)

Return Receipt	1	\$2.80
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(@@USPS Return Receipt #)

(9590940239158060485685)

Total \$7.60

Cash \$7.60

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your mobile device:



or call 1-800-410-7420.

YOUR OPINION COUNTS

# **EXHIBIT 3**

## **for**

LAST MINUTE EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED”

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Sunday, January 30, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

**We wanted to show you various photos of Brian with his black camera bag, black camera & baseball hat through the years on 1/26/2022.**



**5-24-2018 Brian with his black camera bag – black camera – baseball cap.**



**Brian – Note black camera bag 9-12-2018 & baseball cap.**

**This photo was taken 9 days before the police arrested him.**



Brian with his mom 9-12-2018 Note black/grey camera bag & black camera & baseball cap



Brian on 9-12-2018 Note the black/grey camera bag & black camera & baseball cap



Brian & his mom in New Market, VA 9/12/2018 Note black camera & baseball cap

Brian arrested on 9/21/2018 – pink camera – no camera bag – not his black camera - wearing stocking cap – no baseball cap – back pack his mom did not recognize – wearing no clothes – has no emergency supplies for brittle diabetic, who has severe seizures when glucose goes low and needs insulin at all times for shots when it's too high – no glucose monitor - no hand sanitizer for his OCD – out by himself all night only time without his mom/caregiver – is threatened - thinks he's been drugged – no blood test at hospital not even for an insulin dependent diabetic – no investigation by police – no body cam for court. Was this a set up & by whom? Perhaps the person or people who have threatened him for years & admitted setting him up in 2012? Court records show child porn was downloading for months while in the hands of NC police & SBI after the local Mayodan, NC police removed it from the Hill's home. No investigations have been done for either case. Criminals going free while the victim is punished. Courts ignoring all of his disabilities including autism. (His disabilities are all invisible, but all are well documented). Two police departments and all courts ignoring Americans with Disabilities Act. Correction: Federal court in Roanoke, VA did show respect & concern. There will be 2 more proofs in addition to this one. One – copy of a letter Brian's grandparents sent to Martinsville police chief in 2019 asking for the body cam to be given to his attorney which he ignored and didn't answer us & document proof from what Brian sent to court begging for an investigation & explaining about that night right after the police arrested him without doing an investigation and ignoring the **"Americans with Disabilities"** laws.

### **BRIAN CAME HOME ON MAY 14, 2019**

**Carbon monoxide is no longer in their house, Brian's ceiling & wall around his fireplace has been repaired.**

**Brian quickly went to work fighting to prove he is innocent in both cases.**

**We have thousands of photos of Brian from birth until 2022. I did notice that he has had a black or grey camera bag every time he is on an outing from at least 2004 (14 yrs old) and carried a white or grey camera. In 2008 (at the age of 18) he was carrying a black camera and a black or grey large camera bag. We took Brian to Kentucky in Dec, 2019 knowing he was innocent, knowing about all of his disabilities so he could walk by himself to turn himself into prison, We then headed for home, all 3 of us feeling depressed. We were half way home when we got a call to come and get Brian as he was being released. They said he had already served his time. Roberta called his probation officer who**

thought they had made a mistake. We waited at this gas station until he called us back and told us to go and get Brian. We picked Brian up, and he quickly tested his glucose and gave himself an insulin shot, we ate then we spent the night in a motel, all of us so happy, then since we were close to the Ark, we went there to celebrate. His black camera bag and black camera were in the car.

Date taken

December	8	2019
7	10	PM

Size  
99.4 KB

Dimensions  
886 x 653

Shot  
--

ISO  
--

Device  
--

Folder path  
F:\All Photos\2019  
[Open folder](#)

Source  
This PC



File info

Filename  
Charlottesville 12-20-19 (S) (3)

Date taken

December	20	2019
12	25	PM

Size  
1.6 MB

Dimensions  
2576 x 1932

Shot  
1/10 sec. f/1.9 2.47 mm

ISO  
1000

Device  
SM-S327VL

Folder path  
E:\Computer Back Ups 2020\HP Win 10 HP Laptop 17 - 5CG9176FGL(K)\Pictures\Pics from Stella's Camera  
[Open folder](#)

Source  
This PC



Christmas in 2019 was special for all of us because Brian was with us. Black camera, camera bag & baseball hat.

AND we met a nice lady who took our picture.

Dec. 20, 2019 Brian with his black camera bag, black camera & baseball hat wearing clothes and happy, As we said before, you will never see him in any of our thousands of pictures carrying a pink camera (All black like Johnny Cash), nor wearing a stocking cap. He wears a baseball cap or no cap. That was not his backpack and in all photos, he is

wearing clothes. Either his mom, grandparents or someone else is taking photos of him. We have never seen any “selfie” still photos by him.



I did want to share four more photos and some of his (USWGO's) video links before the child porn set up in 2012 when he was 22 years old just so you know more about who Brian really is, not how certain people are portraying him to be.



2009 Black camera, black camera bag, baseball cap



2021



Again, this is Brian (USWGO) in 2011 in Washington DC - black camera bag – black camera

Some of his YouTube video links, years & his age at the time beginning with the photo above

<https://www.youtube.com/watch?v=UehFu44dHL0>

(USWGO) Brian Hill interviews Occupy DC Protest activist - 353 views - Oct 25, 2011



<https://www.youtube.com/watch?v=unDdIVXwM1w>

**Stop and smell the flowers - USWGO Photo Slideshow - 1,551 views - Apr 24, 2009**

<https://www.youtube.com/watch?v=fqWfj84fdHQ>

**528hz sound with relaxing water crystal pics-10 Min extension - 18,829 views - Sep 16, 2009**

<https://www.youtube.com/watch?v=ul7gkIDrscQ>

**Patty Waszak - Proud to be an American - 1,839 views - Jul 29, 2010**

<https://www.youtube.com/watch?v=Z7nuC183bVs>

**Cherokee Indian Powwow Dance recorded by USWGO Press - 1,767 views - Jul 31, 2010**

<https://www.youtube.com/watch?v=JUX1QPqgdg4>

**USWGO Righthaven lawsuit makes WXII12 Triad News - 794 views - Feb 23, 2011**

<https://www.youtube.com/watch?v=MglUkmsMPI8>

**USWGO Righthaven lawsuit makes WGHP FOX8 Triad News - 1,456 views - Feb 23, 2011**

<https://www.youtube.com/watch?v=7NI8oVGOJRI>

**USWGO Jim Tucker Interview July 2nd 2011 by Brian Hill - 2,390 views - Jul 5, 2011**

**Pause on USWGO Videos. Here are some articles where Reporters without Borders got involved:**

<https://www.westword.com/news/reporters-without-borders-letter-faults-denver-post-for-righthaven-suit-against-brian-hill-5839963>

<https://www.westword.com/news/brian-hill-autistic-blogger-reboots-site-shares-plan-to-avoid-new-righthaven-copyright-lawsuit-5900894>

**Brian had some very good lawyers who tried to help him. The Federal Judge put a stop to the Righthaven's law suits, all law suits!**

<https://lasvegassun.com/blogs/business-notebook/2011/mar/22/pr-problem-widens-righthaven-nc-bloggers-demand-at/>

**I wrote this article in the Justice for Brian website which his friends started and have been working on to fight for justice for an innocent man with autism who was set up with child porn (virus) on his computer in 2012.**

<https://justiceforbrianhill2.wordpress.com/2020/10/03/justice-for-brian-d-hill/>

<https://www.youtube.com/watch?v=-jhFHw5jYRA>

**Carl DeHart about Hitler rising to power through economic crises - 617 views - Oct 7, 2011**

<https://www.youtube.com/watch?v=avZI0FODB9U>

**America: From the Road of Freedom to the Streets of Fascism HQ Full Length 3,512 views - Jan 1, 2012**

<https://www.youtube.com/watch?v=bpP14GKvMxs>

**World Government isn't coming, it's already here! - USWGO Special Report Episode 1 2,935 views - Jan 30, 2012**

<https://www.youtube.com/watch?v=KzaKWJVL6Gw>

Chaos;HEAd anime talks about mind control and mind reading! - 2,905 views - Nov 27, 2011

<https://www.youtube.com/watch?v=oATdPEexF34>

USWGO Interview with Dr. Michael Coffman March 8 2012 Agenda 21, ICLEI, etc etc.  
765 views - Mar 9, 2012

<https://www.youtube.com/watch?v=e-EYv1PeouU>

Agenda 21 Speech at the Mayodan Town Council meeting - 1,276 views - Mar 12, 2012

<https://www.youtube.com/watch?v=xClcoYa9AAQ>

USWGO Brian D. Hill makes a speech on the NDAA at the Mayodan Town Council April 9th  
2012 - 114 views - Apr 10, 2012

<https://www.youtube.com/watch?v=sxooThGOMTw>

Nullify-NDAA Petition and Report given to NC Senator Phil Berger - 770 views - May 15, 2012

<https://www.youtube.com/watch?v=MtUtvFqm5y4>

USWGO Exclusive Interview Interview with Elton Crisman on P-Code - 265 views - May 16,  
2012

<https://www.youtube.com/watch?v=HN88NKknKI8>

USWGO Interview with Virgil Goode May 26 2012 - 897 views - May 27, 2012

<https://www.youtube.com/watch?v=Gau-QgLBhEq>

Reporter forced back by Mayodan Police for asking Senator Phil Berger a question - 1,653  
views - Jul 10, 2012

It wasn't long after this that Brian was set up with child porn which was a virus someone put on his computer. He had a great interview with Patrick Henry Jolly (5<sup>th</sup> great grandson of Patrick Henry) who gives the "Give me Liberty or Give me death" speech at Red Hill, VA on July 4, 2012, but Brian got upset after what the police did on July 10<sup>th</sup> then after that, there were viruses on his computer that he was fighting, then the police raid where they got all of his & his mom's photos & videos which included his USWGO articles and interviews. I'm not that good at taking videos like Brian is, but I thought this message needs to be put on the Internet. I enjoyed hearing what he told Brian.

<https://www.youtube.com/watch?v=h9zQMuTiV4g>

Brian Hill (USWGO) preparing to interview Patrick Henry Jolly on July 4, 2012 - 40 views  
Feb 19, 2017

Note Brian's black camera bag on the ground in 2012.

<https://www.youtube.com/watch?v=iZe25wo32ro>

Brian Hill (USWGO) interviewing Patrick Henry Jolly on July 4, 2012 - 127 views - Feb 19, 2017

## Autism Awareness Month and World Autism Awareness Day

04/01/2019

**WHEREAS**, autism spectrum disorder is a neurological and developmental disorder that affects communication and behavior; and

**WHEREAS**, autism is an urgent public health crisis that demands support from all levels of government; and

**WHEREAS**, symptoms of autism may present themselves in a variety of combinations, and can result in significant lifelong impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal and nonverbal communication; and

**WHEREAS**, the Centers for Disease Control and Prevention reports that one in 59 school-aged children have been identified with autism spectrum disorder; and

**WHEREAS**, Virginia is committed to ensuring that people living with autism have access to lifelong care and services needed to pursue their full potential and happiness; and

**WHEREAS**, the Commonwealth is honored to take part in the annual observance of Autism Awareness Month and World Autism Awareness Day in the hope that it will lead to a better understanding of the disorder;

**NOW, THEREFORE**, I, Ralph S. Northam, do hereby recognize April 2019 as **AUTISM AWARENESS MONTH** and April 2, 2019, as **WORLD AUTISM AWARENESS DAY** in our **COMMONWEALTH OF VIRGINIA**, and I call this observance to the attention of all our citizens.

MM00370912  
ED Physician Record - Electronic - Page 1/4

MM7806761243

SOVAH Health - Martinsville  
Job 23328 (05/17/2019 13:34) - Page 4 Doc# 2

Brian Hill  
MRN: MM00370912  
ACCT: MM7806761243

### **FOLLOW UP INSTRUCTIONS**

#### **Private Physician**

When: Tomorrow

Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care

#### **Emergency Department**

When: As needed

Reason: Fever > 102 F, Trouble breathing, Worsening of condition

**Sovah Health Martinsville**

320 Hospital Drive  
Martinsville, VA 24112  
276-666-7237

7806761243

**Emergency Department**  
**Instructions for:**

**Hill, Brian D****Arrival Date:****Friday, September 21, 2018**

Thank you for choosing **Sovah Health Martinsville** for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

**Care provided by:** Hinchman, Brant, DO**Diagnosis:** Abrasion, right knee; Abrasion of unspecified front wall of thorax

DISCHARGE INSTRUCTIONS	FORMS
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation

**Care provided by:** Hinchman, Brant, DO**Diagnosis:** Abrasion, right knee; Abrasion of unspecified front wall of thorax

DISCHARGE INSTRUCTIONS	FORMS
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
<b>Private Physician</b> When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care <b>Emergency Department</b> When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition	None
SPECIAL NOTES	
None	

National Hopeline Network: 1-800-784-2433

**Below: WHY WOULD A DOCTOR IN AN EMERGENCY ROOM OF A HOSPITAL NOT CHECK THE PATIENT'S BLOOD GLUCOSE WHEN THE HOSPITAL RECORD CLEARLY STATED HE HAD DIABETES, AUTISM & OCD? WHY WRITE ON RECORDS TO SEE HIS DOCTOR THE NEXT DAY KNOWING HE IS BEING ARRESTED INSTEAD OF KEEPING HIM IN THE HOSPITAL FOR MORE TEST? DIDN'T THEY**

**THINK THAT WAS ODD FOR HIM TO BE OUT ALL NIGHT WALKING AROUND A TRAIL BY HIMSELF IN THE NUDE? The police bring him to the hospital at 4 in the morning, yet the hospital record says "This evening".**

EMERGENCY DEPARTMENT RECORD

Physician Documentation

Sovah Health Martinsville

Name: Brian Hill

Age: 28 yrs

Sex: Male

DOB: 05/26/1990

MRN: MM00370912

Arrival Date: 09/21/2018

Time: 04:04

Account#: MM7806761243

Bed ER 9

Private MD:

ED Physician Hinchman, Brant

HPI:

09/21

04:40 This 28 yrs old White Male presents to ER via Law Enforcement with complaints of Knee Pain. bdh

09/21

04:48 28-year-old male with diabetes and autism presents for evaluation after complaining of right knee pain and scrapes and abrasions. bdh  
Patient was apparently taking pictures of himself in the nude across town this evening and when police attempted apprehend him brain through Briar patch. Patient does report scratches and abrasions to the right knee but no pain on range of motion. Unknown last tetanus..

Historical:

- Allergies: Ranitidine;

- PMHx: autism; Diabetes - IDDM; OCD;

- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.

**WHY DID THIS HOSPITAL ORDER THESE TEST, TAKE BLOOD FROM BRIAN, THEN DELETE THEM? WE DON'T KNOW WHAT HIS GLUCOSE WAS. FOUND OUT 4 MONTHS LATER ABOUT THE CARBON MONOXIDE. COULD SOMEONE HAD DRUGGED HIM? WHY DOES HE HAVE A PINK CAMERA WHEN HE USES A BLACK CAMERA ALWAYS AND HAS FOR OVER 10 YEARS AT THIS TIME? WHY IS HE WEARING A STOCKING CAP WHEN HE ALWAYS WEARS BASEBALL CAPS? WHY DIDN'T HE HAVE HIS CAMERA BAG WITH HIM IF HE WENT THERE TO TAKE PHOTOS OF HIMSELF? WE HAVE NEVER SEEN HIM TAKE SELFIE PHOTOS AS WE HAVE SEEN OTHER YOUNG PEOPLE DO. WHY WAS HE USING A BACKPACK THAT HIS MOM HAS NEVER SEEN AND IS SMALLER THAN THE ONES WE HAVE SEEN HIM USE WHEN GOING ON A HIKING TRAIL WITH HIS MOM? KNOWING HOW SEVERE HIS DIABETES IS, WHY WOULD HE TAKE OFF LIKE THAT AT NIGHT BY HIMSELF? WHY WAS HE IN THE NUDE? AT FIRST WE THOUGHT IT HAD SOMETHING TO DO WITH CARBON MONOXIDE & AUTISM, BUT THE PINK CAMERA, STOCKING CAP & THE BACK PACK: THEN ADD TO THAT THE CAMERA HAVING NUDE PHOTOS, A PROBATION FORM AND HIS NAME AS AN AUTHOR OF A PUBLIC FORM DOESN'T MAKE ANY SENSE. ADD TO THAT THE POLICE NOT DOING AN INVESTIGATION, THE POLICE IGNORING OUR LETTERS WHEN THEY ARE SUPPOSED TO BE THERE TO HELP THE CITIZENS OF MARTINSVILLE. THEY ARE NOT VOLUNTEERS. THEY ARE PAID BY US & THE OTHER CITIZENS, THEN NO BODY CAM AS IT'S OBVIOUS**

BRIAN WAS IN BAD SHAPE THAT NIGHT. WE (BRIAN'S MOM & BOTH GRANDPARENTS) WERE THERE IN THE MARTINSVILLE COURT DECEMBER. 2018 AND WHAT WE SAW WAS THAT HIS DISABLED COURT APPOINTED ATTORNEY DID VERY LITTLE TO HELP BRIAN. BRIAN HAD NO SUPPORTS THERE FOR HIS DISABILITIES EVEN THOUGH WE MADE IT CLEAR FROM THE BEGINNING ALL OF HIS DISABILITIES. WE WATCHED AS GLEN ANDREW HALL MADE FUN OF OUR GRANDSON & HIS DISABLED ATTORNEY, THEN HE TOOK 8 x 10 PHOTOS OF OUR GRANDSON IN THE NUDE TO SHOW ALL OF THE AUDIENCE WHICH INCLUDED US. WE TURNED OUR HEADS & REFUSED TO SEE THEM. THAT WAS HORRIBLE! THEN THE JUDGE SAID THAT BRIAN WAS GUILTY! GUILTY OF WHAT? GUILTY OF HAVING AUTISM? GUILTY OF BEING EXPOSED TO CARBON MONOXIDE FOR ABOUT A YEAR? GUILTY OF BEING SET UP, AND PROBABLY DRUGGED? GUILTY BECAUSE THE POLICE DID NOT DO AN INVESTIGATION? AND GUILTY BECAUSE THE HOSPITAL WERE NEGLIGENT IN THEIR DUTIES? GUILTY BECAUSE THE POLICE IGNORED HIM & HIS FAMILY AND MADE SURE THE BODY CAM WOULD NOT BE THERE? THE MORE I CHECK INTO THIS, THE ANGRIER I BECOME (BRIAN HILL'S GRANDMOTHER, STELLA FORINASH) 1/26/2022 AT 4 IN THE MORNING.

### THE FOLLOWING ITEMS WERE DELETED FROM THE CHART. WHY?

MM00370912  
ED Physician Record - Electronic - Page 3/4

MM7806761243

SOVAH Health - Martinsville  
Job 23328 (05/17/2019 13:34) - Page 6 Doc# 2

Ramey, Nicole  
Bouldin, Lauren, RN  
Reynolds, Daniel R

nmr  
RN lbl  
RN dr

Corrections: (The following items were deleted from the chart)

09/21		
04:48 09/21 04:16	COMPREHENSIVE METABOLIC PANEL+LAB ordered.	EDMS
09/21		
04:48 09/21 04:16	COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered.	EDMS
09/21		
04:49 09/21 04:16	CPK, TOTAL+LAB ordered.	EDMS
09/21		
04:50 09/21 04:16	ALCOHOL, ETHYL+LAB ordered.	EDMS
09/21		
04:50 09/21 04:16	STAT OVERDOSE PANEL+LAB ordered.	EDMS
09/21		
04:52 09/21 04:52 09/21/2018 04:52	Discharged to Jail/Police. Impression:	bch
Abrasion, right knee; Abrasion of unspecified front wall of thorax.		
Condition is Stable. Discharge Instructions: Medication		
Reconciliation. Follow up: Private Physician; When: Tomorrow; Reason:		
Further diagnostic work-up, Recheck today's complaints, Continuance		
of care. Follow up: Emergency Department; When: As needed; Reason:		
Fever > 102 F, Trouble breathing, Worsening of condition. Problem is		
new. Symptoms have improved. bch		

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF,

v.

BRIAN DAVID HILL,  
DEFENDANT.

CASE NO: CR19000009-00

**NEW MEDICAL EVIDENCE**

**NEW MEDICAL EVIDENCE IN SUPPORT OF DEFENDANT'S**  
**“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW**  
**EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME**  
**OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF**  
**EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA;**  
**REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW**  
**HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING**  
**COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA**  
**FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL**  
**EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE,**  
**ALSO LIKELY DESTROYED”**

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and submits NEW MEDICAL EVIDENCE by Brian David Hill after his mother received medical records today. Defendant therefore submits this new evidence to this Honorable Court in support of Defendant's “MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH

COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”.

**NEW MEDICAL EVIDENCE, EVIDENCE OF SPOLIATION OF CERTAIN MEDICAL RECORDS PAGES and arguments as to the new medical evidence to Hon. Giles Carter Greer, Circuit Court for the City of Martinsville:**

1. The **Exhibits 1 through 5** all make very good points. This further proves medical neglect by the Commonwealth of Virginia, spoliation of certain specific medical records pages possibly with the intent of covering up evidence that Brian David Hill was not medically cleared while at the time Brian David Hill was in custody of the Commonwealth of Virginia since the date of his arrest on September 21, 2018.

2. It is further new evidence in support of Defendant’s “MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF

VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”; it all shows that Brian David Hill is innocent as a matter of law under Virginia Code § 19.2-271.6.

3. It was just obtained today, and these records were not known to Defendant until today after Roberta Hill printed the email and copied the PDF file medical records for Defendant to use. Defendant submits this new filing with the NEW EVIDENCE because this Court was not aware of this evidence previously as far as Defendant is aware of.

4. The medical records in every Exhibit is a true and correct copy of the medical records emailed by four PDF file attachments by Laura T. Hopkins, Major, of Martinsville Sheriff’s Office. This is pursuant to an earlier medical records request from Brian David Hill and transmitted by Roberta Hill through email and transmitted by FAX by Brian Hill. See **Exhibit 1**. Nothing was altered including the white pages, though may be excessive white pages, the Rules of Evidence usually requires that a record be submitted in it’s entirety and not altered for it to be admissible as evidence. These records have not been altered but the files were added to each of the Exhibit pages for

the purpose of presentation for this new evidence. Defendant will certify this under penalty of perjury if ordered by this Court.

5. As to **Exhibit 2**, “Hill20220208\_11311953.pdf” is medical records from Martinsville City Jail. See EXHIBIT PAGE << 4 >>. Exhibit page 4 of **Exhibit 2** shows proof of Brian David Hill asking for a medication to be discontinued because of having a “black out” and sleeping most of the day. See EXHIBIT PAGE << 6 >>, it is the same thing and I cite from the record: “Sleeping most of day, sometimes feeling like I will pass out/black out. I sleep just fine. Isn't stopping my OCD.”

6. That sounds similar to **EXHIBIT 14**, in support of the “MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”. Brian said in his unsworn declaration under penalty of perjury that: “**At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches.**” That would be page 3 of that Exhibit back in the original Motion filed with this Court.

7. Why would Brian David Hill have weird problems even after he was in Jail?

Could it be effects of Carbon Monoxide Gas exposure had not worn out yet? It takes a long time to recover from Carbon Monoxide Gas exposure, especially prolonged exposure to the gas.

8. As to **Exhibit 3**, “Hill20220208\_11321180.pdf” is medical records from Martinsville City Jail. See EXHIBIT PAGE << 4 1>>. On the day of Brian’s arrest, he was in Martinsville City Jail afterwards. As the medical record does not show the diabetic blood glucose of Brian David Hill at the time of his arrest and there was no blood glucose check in the morning, there was a record for a diabetic glucose check on “9/21/2018”, at 1600 hours which is military time. That would be around 4:00PM in the afternoon or evening. Reading was “306”. Checked by Officer “16” at the time, probably his officer identification number. For the purposes of this filing, it is not important to cite the blood glucose logs at this time but rather focus on the neglect here.

9. Back to **Exhibit 1**, EXHIBIT PAGE << 32 >>, EXHIBIT PAGE << 34 >>, and EXHIBIT PAGE << 36 >>. Starting with Exhibit page 32, Brian had an “Abrasion, right knee; Abrasion of unspecified front wall of thorax”. Usually issues with the thorax may be caused by Carbon Monoxide gas poisoning and long-term exposure. This record itself was in Martinsville City Jail but had been forwarded or faxed or copy given to them originally from the Sovah Hospital in Martinsville. So, the Martinsville City Jail under the authority of the Commonwealth of Virginia, its detainment facility, KNEW

that Brian needed to be given further checks and been given tests. The Hospital recommended that Defendant needed to see his private physician within “tomorrow” (September 22, 2018) for “Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care”. Exhibit page 34 said: “LABS None”. So, they drawn blood and then decided not to do any laboratory work. How negligent!!! It said no procedures done either. So, Officer Robert R. Jones lied when he said Brian was medically and psychologically cleared because they didn't do all of the necessary procedures to prove for a fact that Brian David Hill was medically and psychologically cleared at the time of his arrest. They just catch Brian in the Hospital and released him to jail quickly, the catch and release argument but under different circumstances. No tests, no procedures. They knew Brian was going to Jail, the Jail had those Hospital discharge papers, they knew Brian did not have all of the necessary laboratory tests prior to being released from Jail. No drug tests, they should have drug tested him, that was NEGLIGENT.

10. However the Martinsville City Jail and its medical records have no doctor visit on September 22, 2018. They never did any laboratory work. Exhibit page 36 said the same exact thing. It said (citation reformatted): “FOLLOW UP INSTRUCTIONS”, “Private Physician:, “When: Tomorrow”; “Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care”. Martinsville City Jail never followed the Hospital's instructions. Both were NEGLIGENT. NEGLECT OF DUTY. Judge

Greer must understand that Brian David Hill was medically NEGLECTED, MEDICALLY NEGLECTED, MEDICALLY NEGLECTED. He was neglected by Martinsville City Jail, Sovah Hospital of Martinsville, and Martinsville Police Department. They all neglected him and his diabetes. Only tested three times a day when his doctor had him test 4 times a day, always. They neglected to do any drug testing or laboratory testing. Defendant was hopeful that the Martinsville City Jail may have the laboratory results, maybe theoretically it was snuck in there by the Police maybe hoping that somehow it would not be covered up or never done. **Those hopes were dashed. Defendant was medically neglected. Officer Robert Jones of Martinsville Police Department had lied under oath in the original CRIMINAL COMPLAINT. He lied under oath when he claimed that Defendant was medically cleared.**

11. Martinsville City Jail also knew for a fact that Brian David Hill had a “psychosis” as brought out by Dr. Conrad Daum. Yet that diagnosis was never given to the mental evaluator Dr. Rebecca Lochrer of the General District Court’s ordered mental evaluation for sanity and competency. See Exhibit 4, EXHIBIT PAGE << 78 >> and EXHIBIT PAGE << 80 >>. So, the Jail knew he had a “psychosis”, maybe even Attorney Scott Albrecht may have known of the “psychosis” if he had ever asked for the Jail’s medical records. However, those records should have been turned over to Dr.

Rebecca Lochrer regarding the “psychosis” at the time of the alleged offense. That never happened.

12. There are lot of other things Defendant wishes to bring out, but he is short on time wanting to have his mother email this pleading to the Clerk of the Circuit Court by 5:00PM today on February 8, 2022.

13. The Defendant also has another suspicion which warrants that Hon. Judge Greer may want to order an investigation into missing pages in the Jail’s medical records given to Defendant. Like Exhibit pages 78 and 80 have pages 5 and 6 of 10 faxed from Piedmont Community Services. Faxed on October 24, 2018, to the Jail. A month prior to the evaluation. It said page “5/10”. So, there were ten pages faxed but those do not show up in the medical records. Also, the Hospital discharge papers do not have many to them and the Martinsville City Jail failed or refused to have a doctor or physician review over Brian David Hill’s health a day after his arrest on September 21, 2018. So, the Jail and the Hospital were both negligent. The Commonwealth should be barred from arguing that Brian David Hill was medically cleared on the day of his arrest, NO HE WASN’T.

DEFENDANT makes it clear to Judge Greer that there may be missing pages or pages removed from the medical records, and that is a possible felony cover up if that is the case. For ten pages to be faxed from Piedmont Community Services to the Jail’s

medical office but most pages are missing. Only two Defendant could find. Defendant finds other parts of the medical records have the page dissenting or ascending. When there is a skip in the medical records with specific pages numbers missing, that means medical record pages have been removed or missing without an explanation. That is a felony. It is a felony to secretly remove or cover up parts of a medical record. The Commonwealth of Virginia needs to be investigated for medical record cover ups. Since this is the jurisdiction of the Martinsville City Jail under the authority of the Commonwealth of Virginia, there needs to be an investigation into the missing medical records pages. Cover up should be noted and should be favorable to the Criminal Defendant for the purposes of acquittal.

**DEFENDANT SUBMITS THE FOLLOWING NEW MEDICAL EVIDENCE:**

EVIDENCE ATTACHMENT	PAGE RANGE	DESCRIPTION
EXHIBIT 1	1-2 (14-15)	Email to Roberta Hill from Martinsville Sheriff's Office with four attachments of MEDICAL RECORDS of Brian David Hill as asked by Brian David Hill and authorized to release to Roberta Hill. Filename: "Xfinity Connect FW_Emailing_Hill20220208_11342012, Hill20220208_11311953, Hill20220208_11321180,

		Hill20220208_11330588 Printout.pdf”
EXHIBIT 2	3-39 (16-52)	ATTACHMENT: “Hill20220208_11311953.pdf” of Email to Roberta Hill from Martinsville Sheriff’s Office with four attachments of MEDICAL RECORDS of Brian David Hill as asked by Brian David Hill and authorized to release to Roberta Hill.
EXHIBIT 3	40-64 (53-77)	ATTACHMENT: “Hill20220208_11321180.pdf” of Email to Roberta Hill from Martinsville Sheriff’s Office with four attachments of MEDICAL RECORDS of Brian David Hill as asked by Brian David Hill and authorized to release to Roberta Hill.
EXHIBIT 4	40-64 (78-106)	ATTACHMENT: “Hill20220208_11330588.pdf” of Email to Roberta Hill from Martinsville Sheriff’s Office with four attachments of MEDICAL RECORDS of Brian David Hill as asked by Brian David Hill and authorized to release to Roberta Hill.
EXHIBIT 5	40-64 (107- 163)	ATTACHMENT: “Hill20220208_11342012.pdf” of Email to Roberta Hill from Martinsville Sheriff’s Office with four attachments of MEDICAL RECORDS of Brian David Hill as asked by

		Brian David Hill and authorized to release to Roberta Hill.
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164 pages total

## CONCLUSION

Brian David Hill must be acquitted, found innocent, and his charge dismissed forever with prejudice. Brian David Hill = Innocence.

There clearly is evidence of negligence. The Commonwealth of Virginia should be sanctioned for this. Officer Robert Jones lied about Brian David Hill being medically cleared when no procedures and no lab work was done. The Hospital ordered for visit to a private physician the next day, Martinsville City Jail had no appointment for a physician to visit the Defendant to conduct laboratory tests or anything. Brian David Hill was a victim of medical negligence.

Respectfully submitted with the Court, This  
the 8th day of February, 2022.

*Brian D. Hill*  
*Signed*

**Brian D. Hill**

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112





## **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

I hereby certify that a true and accurate copy of the foregoing NEW MEDICAL EVIDENCE was faxed or emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to Probation Conditions of not being allowed to use the Internet) or delivered this 8th day of February, 2022, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

  
Signed

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

**U.S.W.G.O.**



# **EXHIBIT 1**

## **for**

**NEW MEDICAL EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED”**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Tuesday, February 8, 2022**



Laura Hopkins <lhopkins@ci.martinsville.va.us>

2/8/2022 11:59 AM

FW: Emailing: Hill20220208\_11342012, Hill20220208\_11311953,  
Hill20220208\_11321180, Hill20220208\_11330588

To Roberta Hill <rbhill67@comcast.net>

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Please find attached the medical records as requested.

Laura T Hopkins, Major  
Martinsville Sheriff's Office  
P.O. Box 1326  
Martinsville, VA 24114  
PH: 276-403-5289  
Fax: 276-403-5286  
Mobile: 276-732-4017

- 
- Hill20220208\_11342012.pdf (9 MB)
  - Hill20220208\_11311953.pdf (7 MB)
  - Hill20220208\_11321180.pdf (5 MB)
  - Hill20220208\_11330588.pdf (5 MB)

# **EXHIBIT 2**

## **for**

NEW MEDICAL EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
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DAY OF CHARGE, ALSO LIKELY DESTROYED”

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Tuesday, February 8, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

# Martinsville City Jail

### **Inmate's Request to Discontinue Doctor Prescribed Medication.**

I, Brian David Hill wish to stop taking the following doctor prescribed medication on this date 11/19/2018.

Reason: Please notify Dr. Domb or Dumb, Piedmont Community Services.  
Almost blacked out, sleep most of day. Still have anxiety.  
It can cause me sometimes to almost black out. Doesn't stop my OCD.  
Blacking out can be dangerous. Misspelled in last request with Alanzapine.  
Medication: Planzapine, \_\_\_\_\_,

I understand the health risk involved such as stroke, heart attack or even death when I stop taking blood pressure or heart medications or any life threatening doctor prescribed medication.

medication.

Inmate's Signature: Brian D. Hill Date: 11/19/2018

**Medic's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Witnessing Supervisor:** \_\_\_\_\_ **Date:** \_\_\_\_\_

address w/ Dr. Dawn  
n 11/21/2018

*[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page]*

# Martinsville City Jail

## Inmate's Request to Discontinue Doctor Prescribed Medication.

I, Brian Hill wish to stop taking the following doctor prescribed medication on this date 11 / 18 / 18.

### Reason:

Sleeping most of day, sometimes feeling like I will pass out/black out. I sleep just fine. Isn't stopping my OCD.

Medication: olanzapine, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

I understand the health risk involved such as stroke, heart attack or even death when I stop taking blood pressure or heart medications or any life threatening doctor prescribed medication.

Inmate's Signature: Brian D. Hill Date: 11/18/2018  
Signed

Medic's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witnessing Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_



Urgent ! Brian Hill requests photocopy of this request !

# MARTINSVILLE CITY JAIL

Inmate's Name: Brian David Hill #302165 Date: 11/14/2018

Housing Unit Number: J-8

Medical Visit Request to see the Jail Medic \_\_\_\_\_ Jail Physician ✓

What is your current medical problem requiring medical attention?

This is for the chronic care issue of my Type 1 brittle diabetes. I am a carb counter on insulin-to-carb ratio and sliding scale. I should be doing insulin based on my blood sugar level and for the meal I am about to eat. Like two slices of bread is 30 grams of carbs, chips have listed carbs. I usually do 7 to 1 u ratio. Every 7 grams of carbs I do one unit of insulin. An endocrinologist would agree with this. Can I do insulin based on the meal and sliding scale?

Inmate's Signature: Brian D. Hill U.S.W.G.O.  
Signed

There will be a charge to your account for the visit plus additional fees for services rendered. The medical dept. reserves the right to handle medical request that do not require a visit to the jail physician.

DO NOT WRITE BELOW THIS LINE

MEDICAL PERSONNEL ONLY

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Vital Signs: BP \_\_\_\_\_ Pulse \_\_\_\_\_ Temp. \_\_\_\_\_

## MEDICAL NOTES:

11-15-2018  
Blood sugar checked 3 times  
a day - issues addressed  
with each check



# MARTINSVILLE CITY JAIL

Inmate's Name: Brian David Hill Date: 10/20/2018

Housing Unit Number: J-8

Medical Visit Request to see the Jail Medic \_\_\_\_\_ Jail Physician ✓

What is your current medical problem requiring medical attention?

My carpal tunnel of my wrist is getting worse. Pain in my wrist. It is difficult to write letters without feeling pain. I used a wrist stabilizer in the outside world. For me writing legal papers and sending out legal mail, my wrist pain is getting worse. I don't know what to do. Please help me ASAP. Thanks  
U.S.W.G.O.

Inmate's Signature: Brian D. Hill  
Signed

**There will be a charge to your account for the visit plus additional fees for services rendered. The medical dept. reserves the right to handle medical request that do not require a visit to the jail physician.**

**DO NOT WRITE BELOW THIS LINE**

**MEDICAL PERSONNEL ONLY**

Date: 10/31/18 Vital Signs: BP \_\_\_\_\_ Pulse \_\_\_\_\_ Temp. \_\_\_\_\_

## MEDICAL NOTES:

- (S) Has had some problems c hand for years - CTS Flare
- (C) USS Some Tunnel's & phalen's on (R) good pulses
- (A) CTS (R) hand  
Wrist arthritis
- (P) Wrist Splint/brace  
Relaxer 50mg BID

[Signature] 10/31/18

1364



# MARTINSVILLE CITY JAIL

Inmate's Name: Brian David Hill Date: 10/06/2018

Housing Unit Number: 8

Medical Visit Request to see the Jail Medic ☒ Jail Physician ☐

What is your current medical problem requiring medical attention?

Carilion Clinic of Roanoke, VA, diagnosed me with eczema. Also, because of my diabetes, I have skin issues. I am indigent and do not have access to commissary to buy aloe vera or any kind of skin lotion. Can medical provide some kind of diabetic skin cream or lotion to protect my skin. Can there be a way an indigent person can request skin lotion or something to protect from eczema.

Inmate's Signature: Brian D. Hill  
Signed

Thanks

**There will be a charge to your account for the visit plus additional fees for services rendered. The medical dept. reserves the right to handle medical request that do not require a visit to the jail physician.**

DO NOT WRITE BELOW THIS LINE

MEDICAL PERSONNEL ONLY

Date: \_\_\_/\_\_\_/\_\_\_ Vital Signs: BP \_\_\_ Pulse \_\_\_ Temp. \_\_\_

MEDICAL NOTES:

Deputy Raney  
Gave skin lotion  
on 10-09-2018



# FAX

Date: 10/23/2018

Page 1 of: 6

**TO Administration at the Martinsville, VA Jail**

Name: Dinah Davis  
Fax Number: 276-403-5286

**FROM Brian David Hill's Family**

Name: Stella & Ken Forinash  
Contact Number: home phone: 276-632-2599

**SUBJECT**

☐ Urgent

☐ Please Reply

**BRIAN DAVID HILL - Brian is a brittle type 1 diabetic who has autism & OCD**

## MESSAGE

Brian's family has just found out that there is at least one time in this jail that Brian was not given any breakfast insulin at all. It was checked 5 hours later and his glucose was over 400 which meant that he was suffering a lot with frequent urination upsetting his ocd routines and other bad side effects. Are you aware that Brian has the rare brittle diabetes which could be fatal without the proper care and requires at least 4 insulin shots per day? He also has human and constitutional rights to the proper medical care. He needs to be checked for ketones today. Giving Brian the proper medical care will also make things easier on the jail staff. They have a very hard job and now a new burden has been added to their daily work schedule. Brian also suffers from carpal tunnel syndrome and needs a carpal tunnel wrist splint. He has dry skin with eczema and needs lotion for that. He is a patient at the Carilion Clinic; Phone #276-670-3300. Sent a copy of this fax to Dr. Isernia's office this morning.

Brian's grandma has written a 5 page PDF to help the administration and the medical staff to understand Brian's health better. He has severe diabetes with autism, OCD and many other problems. He is very smart. Thank you for your time reading this 5 page PDF and for helping Brian with his medical needs. Please call to let us know you received this fax. We can send faxes but not receive them.

Thank you,  
Stella & Ken Forinash



## Brian D Hill Brittle Diabetes, Autism, OCD

---

Brian takes insulin on a sliding scale based on calories. He has always had a huge appetite and most of the time eats all of his food. Since 1992 he has insulin shots 4 – 5 times each day: 3 short acting insulin shots with his 3 daily meals and 1 long acting insulin shot per day. He might need to have a urine check for ketones. Types of insulin:

<https://www.endocrineweb.com/conditions/type-1-diabetes/type-1-diabetes-insulin>

- **Regular or Short-acting:** Regular (also called short-acting) insulin takes effect within 30 minutes to an hour. It's also taken before a meal, but its effect lasts longer than rapid-acting insulin. It is injected 30 minutes to an hour before meals. Regular or short-acting insulin also imitates the bolus secretion.
- **Long-acting:** Similar to intermediate-acting insulin, long-acting insulin replicates the basal secretion. Long-acting insulin lasts for 20-24 hours, so you usually take it once a day. Some people may take this type of insulin twice of day for better control of their blood sugar.

### TYPE 1 INSULIN DEPENDENT DIABETES:

<https://beyondtype1.org/type-1-diabetes/>

Type 1 diabetes, which was formerly known as juvenile diabetes, is a chronic autoimmune condition that makes the body unable to produce insulin, which is the hormone that regulates blood sugar. Without insulin, our bodies cannot use the sugar in our bloodstream as energy, causing people to experience Diabetic ketoacidosis (DKA).

### What are symptoms of Type 1 diabetes?

There are many signs or symptoms that can be present when someone has undiagnosed or untreated diabetes. Here are a few of those symptoms:

- Unquenchable thirst
- Frequent urination
- Unexplained bedwetting
- Unwanted or unexplained weight loss
- Less energy
- Fruity smelling breath
- Blurry vision
- Stomach pain
- Nausea or vomiting



## Brian D Hill Brittle Diabetes, Autism, OCD

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- Loss of consciousness
- Rapid, heavy breathing

Mental health:

<https://beyondtype1.org/mental-health/>

**Type 1 diabetes** affects more than just the physical. It's emotionally taxing and tests our constitutions daily. Whether you have Type 1 or are a caregiver for someone who has it, you should know first that you are not alone. Remember, too, that a big and important part of taking care of yourself, is nurturing the mind and spirit. We are just beginning to explore what that means through our own extensive research as well as by consulting experts from a wide range of disciplines. We're on the search to discover what contributes to a healthy mental state and how one can achieve a balanced life.

If you have Type 1 diabetes or are caring for someone who does, it is likely that you or your loved one will experience any of the following: **stress**, **diabetes distress**, **burnout**, **diabulimia** and/or **depression**.

### **ANXIETY + DIABETES**

<https://beyondtype1.org/anxiety-diabetes/>

Type 1 Diabetes care requires 24 hours 7 days a week:

<https://beyondtype1.org/caregiver-burnout/>

5 to 10% of Diabetics have Type 1 Insulin dependent. 90 – 95% have Type 2 diabetes (controlled by diet, pills and sometimes a small amount of insulin).

### **BRITTLE DIABETES**

<https://rarediseases.info.nih.gov/diseases/11900/brittle-diabetes>

<https://www.healthline.com/health/what-brittle-diabetes>

<http://www.diabetesforecast.org/2014/mar/the-brittle-diabetes-debate.html>

[https://beyondtype1.org/what-is-brittle-diabetes/?gclid=EAlaIQobChMI4g-N47ec3gIVWfUGCh0kKwWIEAAYASAAEgLvD\\_BwE](https://beyondtype1.org/what-is-brittle-diabetes/?gclid=EAlaIQobChMI4g-N47ec3gIVWfUGCh0kKwWIEAAYASAAEgLvD_BwE)

### **What is Brittle Diabetes?**

Brittle diabetes is a rare form of insulin-dependent diabetes and is marked by frequent and severe episodes of **hypoglycemia** and/or **hyperglycemia(DKA)**. This instability of blood sugar levels often leads to hospitalization and necessitates frequent self-



## Brian D Hill Brittle Diabetes, Autism, OCD

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monitoring of blood glucose, the use of an insulin pump and a continuous glucose monitoring device (CGM). In rare cases, a pancreas transplant may be necessary.

Go to this website to read, listen to or learn more about brittle type 1 diabetes:  
<https://rarediseases.info.nih.gov/diseases/11900/brittle-diabetes>

U.S. Dept of Health & Human Services 1-888-205-2311 Genetic and Rare Diseases Information Center.

Brittle diabetes is a term that is sometimes used to describe hard-to-control diabetes (also called labile diabetes). It is characterized by wide variations or "swings" in blood glucose (sugar) in which blood glucose levels can quickly move from too high (hyperglycemia) to too low (hypoglycemia). These episodes are hard to predict and can disrupt quality of life. They can require frequent or lengthy hospitalizations and can be fatal. People with type 1 diabetes are at greatest risk. While many people with type 1 diabetes experience hypoglycemia, only a small proportion of people with type 1 diabetes experience the frequent blood glucose swings described as "brittle."

**NOTE: Brian David Hill in addition to being a brittle type one diabetic from the age of 1 (almost 2) also has AUTISM & severe OCD. He was prescribed an insulin pump a few years ago but refused to wear it due to his hours long OCD shower routine. Brian is 28 years old now and has never done illegal drugs or alcohol. His mom has been his caregiver from birth to 28 years. She (Roberta Hill) can explain more to you about Brian and his particular type of brittle diabetes. When he was a child, his endocrinologist (diabetic specialist), Dr. Stephen A. South ((336) 621-8911) and neurologist, Dr. William H. Hickling ((336) 271-3331) described that his diabetes and autism worked against each other which could explain why he has been a brittle diabetic for 26 years plus another hospital noted that emotional stress caused his glucose to go up.**

### **What causes Brittle diabetes?**

There can be many causes of Brittle diabetes, but here are some of the most frequent ones (NIH):

- Emotional stress
- Hormonal imbalance
- Poor personal care
- Malabsorption (when your small intestine cannot absorb nutrients from foods)



## Brian D Hill Brittle Diabetes, Autism, OCD

- trouble thinking clearly or concentrating
- loss of consciousness, seizure, coma

People with hypoglycemic unawareness do not know their blood sugar is dropping. If you have this condition, your blood sugar can drop without you noticing it. Without immediate treatment, you can faint, experience a seizure, or even go into a coma.

**TREATMENT for HYPOGLYCEMIC:** Very low blood sugar is a medical emergency. If someone you know has diabetes and they're experiencing mild to moderate symptoms, have them eat or drink 15 grams of easily digestible carbohydrates, such as:

- half a cup of juice or regular soda
- 1 tablespoon of honey
- 4 or 5 saltine crackers
- 3 or 4 pieces of hard candy or glucose tablets
- 1 tablespoon of sugar

If someone is having a severe reaction, such as unconsciousness, it's important to administer a medication called glucagon and contact emergency services immediately.

Roberta Hill (Brian's mother)

310 Forest St. Apt 1 Martinsville, VA 24112; Phone number 276-790-3505 email  
[rbhill67@yahoo.com](mailto:rbhill67@yahoo.com)

Stella & Ken Forinash (Brian's grandparents)

201 Greyson St., Martinsville, VA 24112 Phone # 276-632-2599 email  
[kenstella@comcast.net](mailto:kenstella@comcast.net)



CAVALIER PHARMACARE  
806 S MEMORIAL BLVD  
MARTINSVILLE, VA 24112

Phone: (276) 666-6644 Fax: (276) 666-6622  
DEA #: BC9025823

MEDICINE - ON - TIME® MEDICATION ADMINISTRATION RECORD

PATENT NUMBERS 5,014,851

DES. 323,7

DES. 322,934

OTHER PATENTS PENDING

Page: 1 of 2

Primary  
Physician

BEGINNING DATE

12/01/2018

PATIENT NAME

MARTINSVILLE CITY JAIL  
Phone: (276) 403-5269

SERTRALINE HCL 50MG TAB  
OVL/BLU/TAB DAUM, CONRED (276) 632-7128  
TAKE 1 TAB BY MOUTH DAILY AFTER BREAKFAST FOR  
ANXIETY \*\*GEN: ZOLOFT 50MG

FREQ.

HILL, Brian

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
g A	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

No longer here

START

11/02/2018

STOP

03/01/2019

RX NO.

1163558

CONSULT:

OLANZAPINE 2.5MG TAB

WHT/OBL/TAB DAUM, CONRED (276) 632-7128  
TAKE 1 TAB BY MOUTH AT BEDTIME FOR MOOD SWINGS  
\*\*GEN: ZYPREXA

g p

ADDDGSP YDKGommo/mccellmtr RRRR

START

11/02/2018

STOP

03/01/2019

RX NO.

1163558

CONSULT:

NABUMETONE 750MG TAB

OVL/YELL/TAB ISERNIA, JAMES (276) 666-0452  
TAKE 1 TAB BYMOUTH TWICE A DAY

g A

ADDDGSP YDKGommo/mccellmtr RRRR

START

11/02/2018

STOP

12/31/2018

RX NO.

1164112

CONSULT:

Ortho Wrist sleeve  
use as directed

Given to Inmate

START

STOP

RX NO.

CONSULT:

START

STOP

RX NO.

CONSULT:

START

STOP

RX NO.

CONSULT:

START

STOP

RX NO.

CONSULT:

START

STOP

RX NO.

CONSULT:

START

STOP

RX NO.

CONSULT:

START

STOP

RX NO.

CONSULT:

PATIENT NAME

ADDRESS

APT. / ROOM NO.

Room:

HILL, Brian

DIET:

DIAGNOSIS:

ALLERGIES:

1378



## 1

[illegible]

blank (87)  
Hall, John

Martinsville City Jail

November 2018





**LETTER TO MARTINSVILLE SHERIFF'S OFFICE AND  
MARTINSVILLE CITY JAIL REQUESTING ALL MEDICAL  
RECORDS BETWEEN THE DATES SEPTEMBER 21, 2018, AND  
DECEMBER 22, 2018 – URGENT REQUEST**

**RE: Brian David Hill; #00-21123; DOB: 05/26/1990**

Sunday, January 30, 2022 07:59 PM

**ATTN: Sheriff Steve M. Draper**

Martinsville (City) Sheriff's Office  
13 Moss Street South  
Martinsville, Virginia, 24112

Phone #:276-656-5151

Fax #: 276-656-5286

Dear Martinsville City Sheriff Steve M. Draper and Martinsville City Jail,

Pursuant to Code of Federal Regulations (CFR) 20 CFR § 401.55 - Access to medical records; 18 Va. Admin. Code § 85-20-26(D) (2008); any other Federal or State Law or regulation; Brian David Hill hereby requests a copy of his medical records ASAP.

Brian David Hill requests copies of all medical records (whether digital or paper, whatever is cheaper) from Martinsville City Jail concerning inmate #00-21123; DOB: May 26, 1990; Social Security Number [REDACTED]-0319; between the dates September 21, 2018 through December 22, 2018, the date when Brian David Hill was picked up by the Feds. The records requested are of myself.

I am Brian David Hill, the patient and am requesting the records of myself, the patient. Roberta Hill is submitting this request on my behalf and she is authorized to obtain my medical records on my behalf. Her emails are [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and [rbhill67@yahoo.com](mailto:rbhill67@yahoo.com).

I need these medical records for legal case purposes.

I would like to be informed of the fee for obtaining these records. I am willing for you to email the medical records in Portable Document Format ("PDF") and to obtain and make photocopies of the medical records as cheaply as possible. Please inform me of the total costs prior to processing and fulfilling my request for medical records concerning Martinsville City Jail and medical records of my stay there.

**PAGE 1 OF 2 - LETTER TO SHERIFF DRAPER AND MARTINSVILLE CITY JAIL**





This includes any laboratory testing, blood glucose levels, any diabetic flow sheets, prescription history; drug or alcohol testing, any Carboxyhemoglobin testing, any other biological testing of any samples obtained from Brian David Hill; any and all medical records between the dates September 21, 2018 through December 22, 2018.

I would like to request this as soon as possible. Please make this request expedited. I need these records quickly.

Thank You Sheriff Draper.

Brian D. Hill  
Signed

Brian D. Hill

God bless you,

Brian D. Hill

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

**U.S.W.G.O. U.S.W.G.O.**

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



## Sovah Health Martinsville

320 Hospital Drive  
Martinsville, VA 24112  
276-666-7237

09/21/2018 04:52

**Discharge Instructions for:**

**Hill, Brian D**

**Arrival Date:**

**Friday, September 21, 2018**

Thank you for choosing **Sovah Health Martinsville** for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

**Care provided by:** Hinchman, Brant, DO

**Diagnosis:** Abrasion, right knee; Abrasion of unspecified front wall of thorax

DISCHARGE INSTRUCTIONS	FORMS
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
<b>Private Physician</b> When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care <b>Emergency Department</b> When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition	None
SPECIAL NOTES	
None	

**National Hopeline Network:** 1-800-784-2433

**If you received a narcotic or sedative medication during your Emergency Department stay you should not drive, drink alcohol or operate heavy machinery for the next 8 hours as this medication can cause drowsiness, dizziness, and decrease your response time to events.**

**X-RAYS and LAB TESTS:**

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you had a culture done it will take 24 to 72 hours to get the results. If there is a change in the x-ray diagnosis or a positive culture, we will contact you. Please verify your current phone number prior to discharge at the check out desk.

**MEDICATIONS:**



Brian Hill  
MRN: MM00370912  
ACCT: MM7806761243

If you received a prescription for medication(s) today, it is important that when you fill this you let the pharmacist know all the other medications that you are on and any allergies you might have. It is also important that you notify your follow-up physician of all your medications including the prescriptions you may receive today.

## **TESTS AND PROCEDURES**

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### **Labs**

None

### **Rad**

None

### **Procedures**

None

### **Other**

Call ERT, IV saline lock

## **Patient Copy**



## **FOLLOW UP INSTRUCTIONS**

---

### Private Physician

When: Tomorrow

Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care

### Emergency Department

When: As needed

Reason: Fever > 102 F, Trouble breathing, Worsening of condition



**Sovath Health Martinsville  
Emergency Department  
Discharge Medication Information**

**MEDICATION RECONCILIATION FORM**

**Name:** Brian Hill  
**Age:** 28 yrs , **Gender:** Male  
**Height:** 6ft. 0in.  
**Weight:** 99.79Kg

**Visit Date:** 09/21/2018 04:04  
**MRN:** MM00370912  
**Provider:** Hinchman, Brant

**ALLERGIES:** Ranitidine

Thank you for visiting Sovath Health Martinsville. This form contains information about your medications. It is important that you read and understand this information.

**Source(s) of Home Medication information (Select all that apply):**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Patient                  | <input type="checkbox"/> Medication List    | <input type="checkbox"/> EMS Record            |
| <input type="checkbox"/> Patient's Family         | <input type="checkbox"/> Medication Bottles | <input type="checkbox"/> Primary Care Provider |
| <input type="checkbox"/> Hospital Record          |   |  |
| <input type="checkbox"/> Pharmacy (Specify _____) |   |  |
| <input type="checkbox"/> Other (Specify _____)    |   |  |

**Home Medication(s) recorded during this visit:** No Active Home Medications

**Medications you received during your visit:**

Drug & Dose	Volume	Route	Rate	Infused Over	Given At
NS 0.9% 1000 ml		IV	999 mL/hr		09/21 04:36
Tetanus-Diphtheria Toxoid Adult 0.5 ml <sub>1</sub>		IM			09/21 04:36

**Prescriptions you received during your visit:** NONE

**Notes:**

You will need to see your Primary Care Provider to get refills.

PLEASE GIVE THIS FORM TO YOUR NEXT PROVIDER OF MEDICAL SERVICE (DOCTOR, CLINIC, HOME CARE, ETC.)

**Signature:**

---

Hinchman, Brant

**Created by:**

---



# **EXHIBIT 3**

## **for**

NEW MEDICAL EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED”

Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00

Tuesday, February 8, 2022

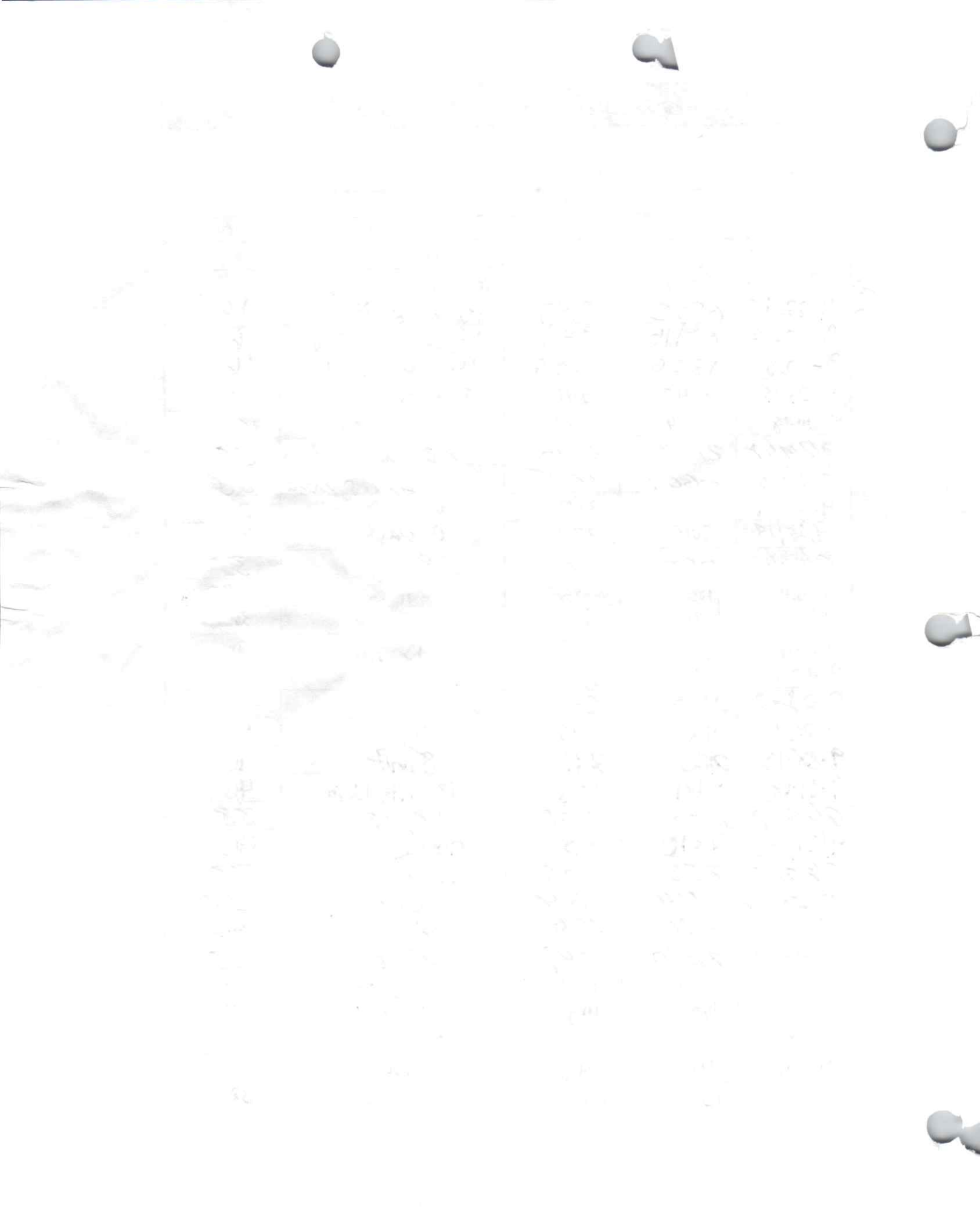


# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
9/21/2018	1600	306	8 units given	16
9-22-2018	1757	459	28 units, 15 Nov.	31
9-22-18	0822	547	15 units of Nov	16
9-23-18	0816	449	15 units of Nov	16
9-23-	1530	334	15 of nov 28 Lnr	16
9-23-18	2047	291	8 units	35
9-24-18	0524	133	none	35
9/24/18	2135	446	15 units, Nov	35
9/25/18	0604	435	15 units, Nov	35
9-25-18	1100	315	10 units	38
9/25/18	2015	333	10 units	41
9/26/18	0500	413	28, 15	35
9-26-18	1100	345	11 Nov	39
9-26-18	1600	346	12 Nov	38
9-27-18	1100	245	13 Nov	38
9-27-18	2000	333	11	37
9-28-18	0450	64	11	37
9-28-18	1100	245	10 Nov	38
9-28-18	2120	291	8 unit	40
9-29-18	0436	103	13 units Nova	40
9/29/18	2000	495	28, 15	35
9/29/18	2310	33	none	40
9/29/18	2351	109	none	35
9/30/18	0445	64	none	35
9/30/18	1220	354	12	43
9/30/18	2030	348	28, 8	35
10-1-18	1100	344	12 Nov	38
10-1-18	1600	199	4 Nov	38
10-1-18	2020	323	28, 10	39
10-2-18	1100	345	12 Nov	38
10-2-18	1600	171	6 Nov	38



# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
10-2	0736	73	1 glucose tab	39
10.3.18	1100	291	8 nov	38
10.3.18	1100	285	8 nov	38
10-3-18	2100	152	28	32
10/4/18	0450	140	none	33
10.4.18	1100	<del>416</del> 416	16 nov	38
10.4.18	1600	97	3 nov	38
10/4/18	2030	398	12, 28	33
10/5/18	0500	49	16 glucose tabs	33
10/5/18	0630	411	12 nova	33
10.5.18	1100	97	3 nov	38
10.5.18	1600	192	5 nov	38
10.5.18	2130	318	10 units nov/28	39
10.6.18	0440	48	2 glucose tabs	39
10-6-18	0800	472	15 N	37
10-6-18	1600	267	8 N	37
10.6.18	2127	311	10 Nova, 28 Bas	39
10.7.18	0440	48	2 glucose tabs	39
10.7.18	0607	145	10 Nova	39
10-7-18	1100	243	5 N	37
10-7-18	1440	247	5 N	37
10-7-18	2115	328	9 Nova, 28 Bas	39
10-8-18	0030	154		39
10-8-18	0438	93		39
10-8-18	0606	<del>40</del> 199	13 Nova	39
10-8-18	1030	254	5 N	41
10-8-18	1134	269	8 units Nova	40
10-8-18	2340	177	28 units vaslon	71
10.9.18	1100	380	13 nov	38
10.9.18	1500	151	4 nov	38



# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
10-10-18	0945	584	16 Nov	38
10-10-18	1445	231	16 Nov	38
10/10/18	2100	470	28 Bas/15 Nov	42
10/11/18	0445	124	13 Nova	39
10/11/18	0608	145	3 NOVA	39
10-11-18	1030	147	3 Nov	38
10-11-18	1547	298	11 Nov	35
10/11/18	2115	296	28 Bas/9 Nov	42
10/12/18	0535	139	13 Nov	42
10-12-18	1015	257	9 Nov	38
10-12-18	2200	426	28/15	8
10-13-18	0515	46	2	8
10-13-18	2110	229	28	8
10-14-18	0510	202	13	8
10-14-18	0920	235	5	41
10/14/18	1615	220	5	32
10/14/18	2030	288	27	8
10/15/18	0515	121	A	8
10-15-18	1030	407	15 Nov	38
10-15-18	1600	77	—	38
10-16-18	0922	503	15 Nova	39
10-16-18	1934	319	15 N	37
10-17-18	0512	75	0	37
10-17-18	1100	150	3 Nov	38
10-17-18	1600	265	8 Nov	38
10-18-18	2130	210	28 Bas	44/1208
10-18-18	0510	84	0	8
10-18-18	0738	319	10 units Nova	40
10-18-18	1000	188	3 Nova	38
10-18-18	1430	187	3 Nova	38
10-18-18	1955	345 GS	28 Bas / 10 units Nova	44

345



# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
10-19-18	0030	68	—	8
10-19-18	0518	95	—	8
10-19-18	1630	263	11 Nova	38
10-19-18	1530	133	3 Nova	38
10-19-18	2030	217	20 B	47
10-20-18	0512	167	8 N	37
10-20-18	1534	329	10 Nova	39
10-20-18	1600	294	refused	16
10-20-18	1600			
10-20-18	2100	88	22 B	41
10-20-18	0608	134	11 Nova	41
10-21-18	0927	224	5 Nova	39
10-21-18	1614	101	none given	16
10-21-18	2100	301	10 B	37
10-22-18	0500	143	11 N	37
10-22-18	1100	136	3 Nova	38
10-22-18	1549	117	3 Nova	38
10-22-18	2125	233	28 Bas	40
10-23-18	0606	109	11 Nova	40
10-23-18	1100	66	—	38
10-23-18	1458	381	<del>13</del> 13 Nova	38
10-23-18	2128	184	28 Bas	40
10-24-18	0610	122	10 units Nova	40
10-24-18	1035	146	3 Nova	38
10-24-18	1400	95	—	38
10-25-18	10:36	93	—	38
10/26/18	0920	371	12 Units	43
10/26/18	1600	274	8 units Nova	3
10/26/18	2209	220	5 units Nova	40
10/27/18	0632	312	11 units Nova	40
10/27/18	0930	373	12 Units	43

*[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page]*

# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
10/27/18	1630	328	8	12
10/27/18	2119	421	12 Nova	40
10/28/18	0009	43	none	40
10/28/18	0453	306	10 Nova	40
10/28/18	0837	406	12 Nova	44
10/28/18	1637	406	13 Nova	44
10/28/18	2030	356	28 BAS	40
10/29/18	0002	443	13 Nova	40
10-29-18	10:30	303	11 NWA	38
10-29-18	1600	141	3 NOVA	38
10/29/18	2035	353	28 Bas	42
10/30/18	0530	189	8 Nova	42
10-30-18	0630	251	8 N	37
10-30-18	1600	379	13	38
10/30/18	2015	335	28 Bas	42
10/31/18	0438	114		39
10/31/18	0555	126	11 Nova	39
10-31-18	1534	368	13 NOVA	38
10-31-18	2055	118	28 Bas	40
10-1-18	0547	266	8 units Nova	40
11-1-18	1030	146	3 NOVA	38
11-1-18	1600	358	13 NOVA	38
11-1-18	2037	235	28 Bas	40
11-2-18	0506	287	9 Nova	40
11-2-18	1035	304	11 NOVA	37
11-2-18	1600	205	10	37
11-2-18	2040	162	28 BAS	39
11-3-18	0430	276	8 Nova	39
11-3-18	2135	181	28 Bas	39
11-4-18	0417	276	8 Nova	39
11-4-18	0830	313	10 N	37

*[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page]*

# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
11-4-18	1130	104	None Given	35
11-4-18	1345	253	8 units Novolog	35
11-4-18	1614	146	None Given	35
11-4-18	2017	311	28 Bas	39
11-5-18	1025	361	8 nova	38
11-5-18	1600	278	6 nova	38
11-5-18	2045	124	0 10 BAS	8
11-5-18	2220	124	10 BAS	8
11-6-18	0500	90	0	8
11-6-18	1100	450	16 nova	38
11-6-18	1600	298	9 nova	38
11-6-18	2120	219	12 BAS	8
11-7-18	0530	119	0	8
11-7-18	1030	523	16 nov	38
11-7-18	M12	330	10 nov	32
<del>11-7-18</del>	1546	167	3 nov	37
11-7-18	2127	303	28 Bas	39
11-8-18	0438	373	12 Nova	39
11-8-18	1100	203	6 nova	38
11-8-18	1655	169	4 nova	38
11-8-18	2105	311	28 Bas	39
11-9-18	0434	298	8 Nova	39
11-9-18	1030	310	11 NOVA	38
11-9-18	1600	152	4 NVA	38
11-9-18	2045	369	28 BAS	8
11/10/18	0540	257	8 Novolog	12
11/10/18	1105	219	5 nova	33
11/10/18	1605	167	3 nova	33
11/10/18	1956	280	28 BAS	44
11/11/18	0540	167	5 Nova	8
11/11/18	1045	321	10 Novo	41



# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
11/11/18	1620	134	—	41
11/11/18	2015	350	28 BAS	8
11/12/18	0515	38	—	8
11/12/18	0525	37	8 Gave 1 Glucose Table	8
11/12/18	0743	307	11 nova	42
11/12/18	1610	43	4 nova	42
11-12-18	2010	114	28 B	37
11-13-18	0502	163	5 N	37
11-13-18	2000	329	20 B	37
11-14-18	0500			37
11-14-18	0957	229	5 Nova	40
11-14-18	1535	186	4	38
11-14-18	2102	379	28 BAS	43
11-15-18	0458	235	8 Nova	8
11-15-18	1036	126	—	38
11-15-18	1545	197	4 nova	38
11-15-18	2030	227	28	43
11-16-18	0500	46	Gave 1 Glucose Table	8
11-16-18	1030	266	9 nova	38
11-16-18	1600	113	—	38
11-17-18	0820	349	10 Nova	39
11-17-18	1631	145	3 nova	16
11-18-18	1945	111	28 Nova	30
11-18-18	0500	57	nova	30
11-18-18	1106	251	8 Nova	16
11-18-18	1630	132	2 nova	16
11-18-18	2022	330	28 B	37
11-19-18	0500	101	7	37
11-19-18	1030	166	Gave 1/2 Glucose Tabs	38
11-19-18	1430	348	13 nova	38
11/19/18	2030	319	27	33

*[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page]*

# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
11/20/18	0445	244	8 <del>8</del> Nova	41
11/20/18	1050	316	8 Nova	12
11/20/18	1600	310	11 Nova	38
11/20/18	2155	335	28 Bas	35
11/21/18	0535	194	8 Nova	35
11/21/18	0930	149	—	39
11/21/18	1055	130	3 Nova	42
11/21/18	1542	246	6 Nova	39
11/21/18	2017	127	28 Bas	30
11/22/18	0835	238	5 Nova	39
11/22/18	1133	48	1 glucose tab	39
11/22/18	1548	339	10 Nova	39
11/23/18	0910	54	gave glucose TAB	25
11/23/18	1545	278	8 N	25
11/23/18	2120	257	28 Bas	41
11/24/18	0445	118	6 Nov	41
11/24/18	1111	171	3 Nov	43
11/24/18	1645	347	10 Nov	8
11/24/18	2130	269	28 Bas	41
11/25/18	0446	75	6 Nov	41
11/25/18	0926	243	6 Nova	44
11/25/18	1615	296	10 Nova	44
11/25/18	2120	304	28 Bas	41
11/26/18	0445	172	6 Nov	41
11/26/18	1035	132	2 Nova	38
11/26/18	1600	322	11 Nova	38
11/26/18	2052	280	28 Bas	39
11/27/18	0441	125	6 Nova	39
11/27/18	1100	239	6 Nova	38
11/27/18	2107	307	28 Bas	39
11/28/18	0438	260	7 Nova	39

Handwritten notes in a grid format, likely a ledger or account book. The text is extremely faint and mostly illegible. The grid appears to have several columns and rows, with some entries that might be dates or numbers. For example, some entries in the first column look like "1/1", "1/2", "1/3", etc. Other entries in the second column might be "1/4", "1/5", "1/6", etc. The handwriting is cursive and somewhat messy.

# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
11-28-18	1030	329	11 Nova	38
11-28-18	1600	361	13 Nova	38
11-28-18	2049	286	28 Bas	40
11-29-18	0500	124	7	32
11-29-18	1030	114	0	38
11-29-18	2031	309	28 Bas	40
11-30-18	0522	111	7 Nova	40
11-30-18	1100	231	6 Nova	38
11-30-18	1700	399	13 Nova	38
11-30-18	2046	157	28 Bas	39
12-01-18	0440	165	7 Nova	39
12-01-18	1100	404	15 N	37
12-01-18	1600	72	31 N	37
12-01-18	2100	161	28 Bas	39
12-02-18	0444	<del>112</del> 112	6 Nova	39
12-02-18	1119	261	8 Nova	35
12-02-18	1609	201	3 Nova	35
12-02-18	2036	561	28 Bas, 10 Nova	39
12-03-18	0442	64	1 glucose tab	39
12-03-18	0607	140	6 Nova	39
12-3-18	1100	231	6 Nova	38
12-3-18	1530	171	3 Nova	38
12-3-18	2022	469	28 Bas/10 Nova	40
12-4-18	0442	74	6 Nova	40
12-4-18	1100	329	10 Nova	38
12-4-18	2050	220	28 Bas	44
12-5-18	0446	64	—	40
12-5-18	1100	340 <del>5</del> cm	11 Nova	38
12-5-18	1600	233	6 Nova	38
12-5-18	2143	280	Smile	16
12-6-18	0451	127	7 Nova	16

*[Faint, illegible handwritten text covering the majority of the page]*

# BLOOD SUGAR LOG

Inmates Name:

Brian Hill

Date	Time	Reading	Amt of Insulin Given	Officer
12-6-18	1036	190	3 nova	38
12-6-18	<del>1530</del>	323	11 nova	38
12/6/18	2030	182	28 Bas	42
12/7/18	0440	47	<del>47</del> glucose tab	42
12/7/18	0615	86	<del>86</del> 3 nova	42
12-7-18	1030	185	3 Novalog	38
12-7-18	1500	291	9 novalog	38
12-7-18	2055	353	28 Bas/2 Nov	40
12-8-18	0513	106	6 Nova	40
12/8/18	1150	149	NONE	33
12/8/18	1419	379	12 NOVA	33
12/8/18	1600	184	3 NOVA	33
12/8/18	2009	179	28 Bas	44
12/8/18	0600	110	6 Nova	44
12/9/18	1114	175	5 NOVA	33
12/9/18	1627	149	NONE	33
12/9/18	1801	324	10 NOVA	33
12/9/18	2025	124	28 Bas	44
12-10-18	0510	49	—	40
12-10-18	0620	203	6 units	43
12/10/18	1053	276	8 Nova	42
12-10-18	1628	154	5 Nova	16
12-10-18	2054	308	3/28	43
12-11-18	0515	44	6 Units	43
12-11-18	2000	322	18	37
12-11-18	0500	155	6	37
12-12-18	1100	339	10 NOVA	38
12-12-18	1559	136	5 NOVA	41
12-12-18	2143	333	28/2	43
12-13-18	0510	43	6 Units	43
12-13-18	1030	173	3 Nova	38

*[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page]*

# BLOOD SUGAR LOG

Inmates Name: Brian Hie (December)

Date	Time	Reading	Amt of Insulin Given	Officer
12-13-18	1530	264	8 nora	38
12-13-18	2055	256	28 units	43
12-14-18	0505	188	6 units	43
12-14-18	1708	291	10 unit	16
12-14-18	2030	175	28 units Lqn.	35
12/15/18	1030	347	10 Nover	42
12/15/18	1620	160	3 Nover	42
12/15/18	2130	225	28 units	46
12/16/18	1050	240	5 Nover	42
12/16/18	1540	281	8 Nover	42
12-16-18	2000	252	28	37
12-17-18	0520	47	—	37
12-17-18	0600	119	6	37
12-17-18	1325	394	12	25
12-17-18	<del>1500</del> 2055	275	28 Lqn	41
12-18-18	0852	338	10 nora	40
12-18-18	1100	48	—	38
12-18-18	1308	220	5 nora	38
12-18-18	2030	<del>152</del> 246	28 Lqn	41
12-19-18	0525	137	6 nora	41
12-19-18	1100	146	3 nora	38
12-19-18	1520	323	10 nora	38
12-19-18	2000	303	28 L	37
12-20-18	0015	411	15 n	37
12-20-18	0520	55	—	37
12-20-18	0620	203	6	37
12-20-18	1030	197	3 nora	38
12-20-18	1600	274	8 nora	38
12-20-18	2000	<del>152</del> 266	<del>28</del> 28	37
12-21-18	0500	220	8	37
12-21-18	1130	175	3 nora	35
12-21-18	1600	300	8 nora	38
12-21-18	2031	<del>152</del> 326	26 Lqn 3/por	32
12-22-18	0625	334	10 nora	41



# MARTINSVILLE CITY JAIL

## Inmate Medical Transfer Information

Inmate's Full Name: Hill, Brian David (Print) DOB: 3/23/1980 SSN: 591-98-0319

Date of Last TB Skin Test: 9.25.18 Test Results: ☒ Passed ☐ Failed

Additional Comments Reference TB Test: \_\_\_\_\_

Vital Signs: BP 121/84 Pulse 86

Current Prescribed Meds.	Amount
<u>Clonazepam 2.5 mg</u>	<u>16</u>
<u>Sertraline 50 mg</u>	<u>15</u>
<u>Nabumetone 750 mg</u>	<u>34</u>
<u>NovaLog Pens</u>	

Current Prescribed Meds.	Amount
<u>Lantus Pens</u>	

Current Medical/Dental Problems: Diabetic, Autism (Asperger Syndrome)  
↳  
Brittle Type 1

Mental Health Screening/Mental Health Problems: Sees Piedmont Community Services  
(276) 632-7128

Special Needs /Accommodations: Non specific vaccines

Medical Dispositions: None

Results of Lab. Work, X-Rays, etc.: None

Pending Appointments: None

Overall Comments: None

Officer/Medics Signature: J. Kelly Date: 12.21.18



# **EXHIBIT 4**

## **for**

**NEW MEDICAL EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED”**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Tuesday, February 8, 2022**



RUN DATE: 9-21-2018  
 RUN TIME: 6:45 AM

**MARTINSVILLE SHERIFF'S OFFICE**  
**MARTINSVILLE SHERIFF'S OFFICE**  
**MEDICAL QUESTIONS**

Name:	HILL, BRIAN D.	JailId:	302165	BookingID:	25782
Booking #:	18-000891	Date Booked:	9/21/2018 6:10:00 AM	DOB:	05/26/1990
POD:	P05	Cell:	P05C01	Bed:	BUNK-05

	YES	NO	QUESTION	ANSWER
1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ARE YOU UNDER THE CARE OF A DOCTOR NOW? LIST	Dr christan
2.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DO YOU HAVE ANY PAST HISTORY OF COMMUNICABLE DISEASES?	
3.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DO YOU HAVE ANY SYMPTOMS OF ANY VENEREAL DISEASES?	
4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RECENT ILLNESS OR INJURIES?	scraps and cuts
5.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PRESENTLY TAKING MEDICATIONS? LIST	insulin
6.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DO YOU HAVE THE MEDICATION WITH YOU?	
7.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ALLERGIES TO FOOD OR MEDICINES?	vaccines
8.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HISTORY OF SEIZURES?	diabetes seizures
9.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HEART DISEASE?	
10.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HIGH BLOOD PRESSURE?	
11.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ASTHMA?	
12.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	DIABETES?	
13.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HISTORY OF EXPOSURE TO TUBERCULOSIS?	
14.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	EVER HAD TEST FOR TUBERCULOSIS? DATE AND RESULT	don't know when neg
15.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BEEN EXPOSED TO CONTAGIOUS / DANGEROUS DISEASE?	
16.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FEVER OR CHILLS?	
17.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DRUG ADDICTION?	
18.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ALCOHOLISM?	
19.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	LAST TIME DRUGS OR ALCOHOL USED?	
20.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	TYPE OF DRUG OR ALCOHOL USED?	
21.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PRIOR TREATMENT FOR DRUG OR ALCOHOL ABUSE?	
22.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	TAKE MEDICATION FOR SUBSTANCE ABUSE?	
23.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TETANUS INOCULATION?	09-21-2018
24.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPECIAL DIET? REASON	
25.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CURRENT ITCHING OR SKIN RASH?	
26.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	LICE OR OTHER VERMIN?	
27.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HISTORY OF DEPRESSION? TREATMENT	
28.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	APPENDICITIS?	
29.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CANCER?	
30.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HEPATITIS? TYPE	
31.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	STOMACH ULCERS?	
32.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HEARING LOSS? WEAR HEARING AIDS?	
33.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DENTURES OR PARTIAL PLATES? DENTAL	
34.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	EYE GLASSES OR CONTACT LENSES?	
35.	<input type="checkbox"/>	<input type="checkbox"/>	PREGNANT?	
36.	<input type="checkbox"/>	<input type="checkbox"/>	ANY GYNECOLOGICAL PROBLEMS?	
37.	<input type="checkbox"/>	<input type="checkbox"/>	HISTORY OF MISCARRIAGES?	
38.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NOW OR EVER HAD SEXUALLY TRANSMITTED DISEASES?	
39.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HIV TESTING? RESULT?	
40.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PIERCED BODY PARTS?	
41.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	LAST CHEST X-RAY DATE?	2014
42.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PHYSICAL HANDICAP?	seizures

EXHIBIT PAGE << 67 >>

RUN DATE: 9-21-2018  
RUN TIME: 6:45 AM

**MARTINSVILLE SHERIFF'S OFFICE**  
**MARTINSVILLE SHERIFF'S OFFICE**  
**MEDICAL QUESTIONS**

Name: HILL, BRIAN D.	JailID: 302165	BookingID: 25782
Booking #: 18-000891	Date Booked: 9/21/2018 6:10:00 AM	DOB: 05/26/1990
POD: P05	Cell: P05C01	Bed: BUNK-05

43.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RESTRICTED MOBILITY?	seizures
44.	<input type="checkbox"/>	<input type="checkbox"/>	BLOOD PRESSURE	
45.	<input type="checkbox"/>	<input type="checkbox"/>	PULSE	
46.	<input type="checkbox"/>	<input type="checkbox"/>	TEMPERATURE	
47.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	USE OF PSYCOTROPIC MEDICATION?	
48.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	EVER ATTEMPTED SUICIDE? HOW LONG AGO?	2013
49.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FAMILY HISTORY OF ARTHRITIS?	
50.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FAMILY HISTORY OF DIABETES?	
51.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FAMILY HISTORY OF CANCER?	
52.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FAMILY HISTORY OF EPILEPSY?	
53.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FAMILY HISTORY OF HEART DISEASE?	
54.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FAMILY HISTORY OF HIGH BLOOD PRESSURE?	
55.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FAMILY HISTORY OF TUBERCULOSIS?	
56.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OTHER MEDICAL PROBLEMS?	
57.	<input type="checkbox"/>	<input type="checkbox"/>	INSURANCE ID #	

I CERTIFY THAT I HAVE TRUTHFULLY ANSWERED THESE QUESTIONS ABOUT MY HEALTH

INMATE SIGNATURE: Brian D. Hill DATE 09-21-2018 TIME 06:46

OFFICER SIGNATURE: A. L. DATE 09-21-2018 TIME 06:47

MEDICAL STAFF: \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_



File copy -

## BRIEF JAIL MENTAL HEALTH SCREEN

### Section 1

Name: <u>Brian</u> <u>David</u> <u>Hill</u> <small>First MI Last</small>	Detainee #: _____	Date: <u>09/21/2018</u>	Time: <u>0610</u> <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">AM</span>
---	-------------------	-------------------------	--

### Section 2

Questions	No	Yes	General Comments
1. Do you <u>currently</u> believe that someone can control your mind by putting thoughts into your head or taking thoughts out of your head?	✓		
2. Do you <u>currently</u> feel that other people know your thoughts and can read your mind?	✓		
3. Have you <u>currently</u> lost or gained as much as two pounds a week for several weeks without even trying?	✓		
4. Have you or your family or friends noticed that you are <u>currently</u> much more active than you usually are?	✓		
5. Do you <u>currently</u> feel like you have to talk or move more slowly than you usually do?	✓		
6. Have there <u>currently</u> been a few weeks when you felt like you were useless or sinful?	✓		
7. Are you <u>currently</u> taking any medication prescribed for you by a physician for any emotional or mental health problems?	✓		
8. Have you <u>ever</u> been in a hospital for emotional or mental health problems?		✓	2013

### Section 3 (Optional)

#### Officer's Comments/Impressions (check *all* that apply):

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Language barrier                   | <input type="checkbox"/> Under the influence of drugs/alcohol | <input type="checkbox"/> Non-cooperative |
| <input type="checkbox"/> Difficulty understanding questions | <input type="checkbox"/> Other, specify: _____                |  |

**Referral Instructions:** This detainee should be referred for further mental health evaluation if he/she answered:

- YES to item 7; OR
- YES to item 8; OR
- YES to at least 2 of items 1 through 6; OR
- If you feel it is necessary for any other reason

☐ Not Referred

☒ Referred on 09/21/2018 to PCS

Person completing screen Ago. Moore

INSTRUCTIONS ON REVERSE

EXHIBIT PAGE << 70 >>

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# MARTINSVILLE CITY JAIL / ANNEX

## TUBERCULOSIS (TB) SKIN TEST

Inmates Name: Brian Hill

Incarceration Date: 9.21.18

Last incarceration date: \_\_\_\_\_ Location: \_\_\_\_\_  
Was TB test administered? **Yes** **No** If yes, what was the result? **Passed** **Failed**

### Current Tuberculosis Skin Test

TB skin test was admin. on this date: 9.25.18  
Medics Signature: J. R. [Signature]

Lot# & Exp. Date: 304220  
Date: 04/19

TB skin test was read on this date: 9.28.18  
Medics Signature: J. R. [Signature]

Test Results: 

PASS	FAIL
<input checked="" type="checkbox"/>	<input type="checkbox"/>

	PASS	FAIL
Free of any communicable disease	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Free of open or infected wounds	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Free of medical skin rashes	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Free of physical conditions that would pose a threat to food preparation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Individual (if applicable) has been cleared for food preparation in & around the kitchen.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:		



medical copy

# REQUEST FOR INTERVIEW

During a persons incarceration there are times a person may feel the need for a special interview and whom they need to speak with about that request. Check the department that describes your request.

- ☐ CLASSIFICATION DEPT. - Issues relating to your record /file status.
- ☐ SHIFT SUPERVISOR - Issues concerning jail rules, property issues, or other issues not related to any other departments listed.
- ☐ INMATE ACCOUNTS DEPT. - Issues concerning inmate canteen, inmate disbursements, and the balance of your account.
- ☒ MEDICAL DEPT. - Questions concerning medical treatment, appointments, and prescriptions.
- ☐ HOME ARREST (Electronic Ankle Device Tracking System)

## PROGRAMS

- ☐ DRUG / ALCOHOL COUNSELING / CLEAN START
- ☐ GOOD NEWS JAIL MINISTRY
- ☐ G.E.D.
- ☐ LIFE SKILLS CLASS
- ☐ VA CARES PROGRAM

For all emergency requests, please use the proper form which is the Emergency Request For Review Form.

\*\*\*\*\*

I request an interview for the purpose of discussing:

I am requesting records under the Virginia Freedom of Information Act law. All records requested concern myself. Brian David Hill, date of birth May 26, 1990. I am requesting a copy of my diabetic blood sugar/glucose readings list/logs. Some may call it a diabetic flow sheet. The date range from September 21, 2018 up till date of this request. I authorize release of records concerning myself under federal C.R. to myself.

Print Inmate Name: Brian David Hill I-7 9-30, 2018

Housing Unit#      Date      Time

Results of interview: There is a fee for Freedom of Information Act. You can have your attorney get a Subpoena duces Tecum

Officer Signature: [Signature]



# MARTINSVILLE CITY JAIL

Inmate's Name: Brian David Hill Date: 10 / 06 / 2018

Housing Unit Number: 8

Medical Visit Request to see the Jail Medic \_\_\_\_\_ Jail Physician ✓

What is your current medical problem requiring medical attention?

I need to get a blood drawn to test for candida yeast or fungus. I've had exhibited symptoms and have suspected it but never tested for it. Also I have carpal tunnel due to all the typing in the outside work. My wrist hurt this morning.

Thank You

Inmate's Signature: Brian D. Hill  
Signed

**There will be a charge to your account for the visit plus additional fees for services rendered. The medical dept. reserves the right to handle medical request that do not require a visit to the jail physician.**

**DO NOT WRITE BELOW THIS LINE**

**MEDICAL PERSONNEL ONLY**

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Vital Signs: BP \_\_\_\_\_ Pulse \_\_\_\_\_ Temp. \_\_\_\_\_

## MEDICAL NOTES:

Captain Davis spoke w/ Mr. Hill on  
10-09-2018 - Yeast and/or Fungus  
NOT tested by drawn blood -



# Piedmont Community Services

CREDIBLE  [log out](#)

Logged in as: cdaum

[Home](#) [Individual](#)

Problem List: BRIAN HILL (174826) DOB: 05/26/1990 (28 / 1)

Effective Date: 10/24/2018 12:00 AM

Date C

## Problem List (DSM 5 / ICD10)

- 1 (F42.9) Obsessive-compulsive disorder, unspecified
- 2 (F84.0) Autistic disorder
- 3 (F29) Unspecified psychosis not due to a substance or know
- 4 (F41.1) Generalized anxiety disorder

New

WHODAS 2.0 General Disability Raw Score: Avg Score:

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- [Dashboard](#)
- [1st Available](#)
- [Add Visit](#)
- [Allergy](#)
- [Attachments](#)
- [Authorization](#)
- [Bed Assign](#)
- [Claims](#)
- [Clinical Support](#)
- [Contacts](#)
- [Diagnosis](#)
- [Ext Provider](#)
- [Family](#)
- [Form Groups](#)
- [Immunizations](#)
- [Insurance](#)
- [Medical Profile](#)



Medications

Print

**MEDICATIONS for BRIAN HILL (174826) - Date of Birth: 5/26/1990**

Client Allergy Reaction

vaccines unknown vaccines and reactions  
Zantac

Medication	Dosage	Provider	Rationale	Status	Start Date	Chg Date
Insulin aspart U-100 100 unit/mL subcutaneous solution				CONCURRENT	10/24/2018	
	Quantity:	Refills:	Instructions:		Comments:	
olanzapine 2.5 mg tablet	Take 1 Caplet By Oral Route 1 time at bedtime for mood swings	CONRAD DAUM		ELECTRONIC - PENDING	10/24/2018	
Pharmacy: Cavalier Pharmacare	Quantity: 30	Refills: 3	Instructions: for mood swings		Comments: martinsville jail inmate	
sertraline 50 mg tablet	Take 1 Caplet By Oral Route 1 time after breakfast for anxiety	CONRAD DAUM		ELECTRONIC - PENDING	10/24/2018	
Pharmacy: Cavalier Pharmacare	Quantity: 30	Refills: 3	Instructions: for anxiety		Comments: Martinsville jail inmate	

Medication Notes

Last Review Date: 10/24/2018  
Reviewed By: Conrad Daum  
Order Meds/History: reconciled 10/24/18  
Drug Allergies: == list



# FAX

Date: 11/6/2018

Page 1 of: 6

**TO Martinsville Va Sheriff**

Name: Steve M. Draper  
Fax Number: 276-403-5286

**FROM Brian David Hill's Family**

Name: Stella & Ken Forinash (Grandparents)  
Contact Number: Home phone: 276-632-2599

**SUBJECT**

☐ Urgent

☐ Please Reply

**BRIAN DAVID HILL – Brian is a brittle type 1 insulin dependent diabetic & has autism & OCD**

## MESSAGE

We sent a fax to Dinah Davis, Administration at the Martinsville, VA jail on 10/23/2018 explaining the importance of Brian receiving all of the insulin that he has been receiving since he was 21 months of age (1992). We are sending a copy of that fax to you. We also sent that fax to Dr. Isernia's office explaining that Brian is a brittle diabetic. 90-95% diabetics are type 2. 5-10% diabetics are type 1 & require insulin shots. 3 out of 1000 type 1 insulin dependent diabetics have brittle diabetes. This is a rare type of diabetes that many doctors don't see.

After the episode at the jail last night (11-5-2018), we decided that it's very important to re-send this fax along with the letter explaining more about Brian's type of diabetes and his insulin requirements. Apparently, your system is that if an officer decides not to give Brian his 24 hour insulin shot when his blood glucose is 126, that's up to him or her to decide. No one apparently informed Officer Cooper that the long acting insulin starts 4 hours later, and Brian has to have this insulin each day. It is the rapid insulin (novalog) that he would not give to Brian when the glucose is good. Has anyone asked the doctor what to do if it is 9:00pm, and Brian's blood glucose is in the 300 to 400 range or higher? This is the time they give Brian his long acting insulin shot apparently. Has the medical staff talked to the jail staff about the importance of balancing night time snacks with the insulin to avoid low readings the next morning?

Because of Brian's autism and knowing he always gets that shot each day, it also upset the autism. We really believe the jail staff are concerned and want to do right by Brian but are confused about the insulin and snacks. We have reduced the 5 pages explaining Brian's type of diabetes, insulin and snacks from 5 pages to 4.



# FAX

Date: 10/23/2018

Page 1 of: 6

**TO Administration at the Martinsville, VA Jail**

Name: Dinah Davis

Fax Number: 276-403-5286

**FROM Brian David Hill's Family**

Name: Stella & Ken Forinash

Contact Number: home phone: 276-632-2599

**SUBJECT**

☒ Urgent

☐ Please Reply

**BRIAN DAVID HILL - Brian is a brittle type 1 diabetic who has autism & OCD**

## MESSAGE

Brian's family has just found out that there is at least one time in this jail that Brian was not given any breakfast insulin at all. It was checked 5 hours later and his glucose was over 400 which meant that he was suffering a lot with frequent urination upsetting his ocd routines and other bad side effects. Are you aware that Brian has the rare brittle diabetes which could be fatal without the proper care and requires at least 4 insulin shots per day? He also has human and constitutional rights to the proper medical care. He needs to be checked for ketones today. Giving Brian the proper medical care will also make things easier on the jail staff. They have a very hard job and now a new burden has been added to their daily work schedule. Brian also suffers from carpal tunnel syndrome and needs a carpal tunnel wrist splint. He has dry skin with eczema and needs lotion for that. He is a patient at the Carilion Clinic; Phone #276-670-3300. Sent a copy of this fax to Dr. Isernia's office this morning.

Brian's grandma has written a 5 page PDF to help the administration and the medical staff to understand Brian's health better. He has severe diabetes with autism, OCD and many other problems. He is very smart. Thank you for your time reading this 5 page PDF and for helping Brian with his medical needs. Please call to let us know you received this fax. We can send faxes but not receive them.

Thank you,  
Stella & Ken Forinash



## Brian D Hill Brittle Diabetes, Autism, OCD

---

Brian takes insulin on a sliding scale based on carbs. He has always had a huge appetite and most of the time eats all of his food. Since 1992 he has insulin shots 4 – 5 times each day: 3 short acting insulin shots with his 3 daily meals and 1 long acting insulin shot per day. He might need to have a urine check for ketones. Types of insulin:

<https://www.endocrineweb.com/conditions/type-1-diabetes/type-1-diabetes-insulin>

**Rapid-acting Insulin:** This type of insulin takes effect **within 15 minutes**, and you take it right before a meal. In someone without type 1 diabetes, the body releases insulin when they eat; it's the insulin that should help them process and use the carbohydrates in the food. That release of insulin at mealtime is called the *bolus secretion*. Rapid-acting insulin imitates the bolus secretion. It peaks within 30 to 90 minutes, and its effects last for three to five hours.

**Long-acting Insulin:** Similar to intermediate-acting insulin, long-acting insulin replicates the basal secretion. Long-acting insulin lasts for **20-24 hours**, so you take it once a day. This type takes the longest amount of time to start working. The insulin can take up to **4 hours** to get into your bloodstream. **Long-acting insulins don't peak like short-acting insulins — they can control blood sugar for an entire day.** This is similar to the action of insulin normally produced by your pancreas to help control blood sugar levels between meals. Long-acting insulins are also called basal or background insulins. They keep working in the background to keep your blood sugar under control throughout your daily routine.

### TYPE 1 INSULIN DEPENDENT DIABETES:

<https://beyondtype1.org/type-1-diabetes/>

Type 1 diabetes, which was formerly known as juvenile diabetes, is a chronic autoimmune condition that makes the body unable to produce insulin, which is the hormone that regulates blood sugar. Without insulin, our bodies cannot use the sugar in our bloodstream as energy, causing people to experience Diabetic ketoacidosis (**DKA**).

### What are symptoms of Type 1 diabetes?

There are many signs or symptoms that can be present when someone has undiagnosed or untreated diabetes. Here are a few of those symptoms: Unquenchable thirst, Frequent urination, Unexplained bedwetting, Unwanted or unexplained weight loss, Less energy, Fruity smelling breath, Blurry vision, Stomach pain, Nausea or vomiting, Loss of consciousness, Rapid, heavy breathing, etc.

### Mental health:



## Brian D Hill Brittle Diabetes, Autism, OCD

---

<https://beyondtype1.org/mental-health/>

**Type 1 diabetes** affects more than just the physical. It's emotionally taxing and tests our constitutions daily. Whether you have Type 1 or are a caregiver for someone who has it, you should know first that you are not alone. Remember, too, that a big and important part of taking care of yourself, is nurturing the mind and spirit. We are just beginning to explore what that means through our own extensive research as well as by consulting experts from a wide range of disciplines. We're on the search to discover what contributes to a healthy mental state and how one can achieve a balanced life.

If you have Type 1 diabetes or are caring for someone who does, it is likely that you or your loved one will experience any of the following: **stress**, **diabetes distress**, **burnout**, **diabulimia** and/or **depression**.

### **ANXIETY + DIABETES**

<https://beyondtype1.org/anxiety-diabetes/>

Type 1 Diabetes care requires 24 hours 7 days a week:

<https://beyondtype1.org/caregiver-burnout/>

5 to 10% of Diabetics have Type 1 Insulin dependent. 90 – 95% have Type 2 diabetes (controlled by diet, pills and sometimes a small amount of insulin).

### **BRITTLE DIABETES**

[https://beyondtype1.org/what-is-brittle-diabetes/?gclid=FAJajQobChMI4q-N47ec3gIVWFuGCh0kKwWIEAAYASAAEgLVlD\\_BwE](https://beyondtype1.org/what-is-brittle-diabetes/?gclid=FAJajQobChMI4q-N47ec3gIVWFuGCh0kKwWIEAAYASAAEgLVlD_BwE)

#### **What is Brittle Diabetes?**

Brittle diabetes is a rare form of insulin-dependent diabetes and is marked by frequent and severe episodes of **hypoglycemia** and/or **hyperglycemia(DKA)**. This instability of blood sugar levels often leads to hospitalization and necessitates frequent self-monitoring of blood glucose, the use of an **insulin pump** and a continuous glucose monitoring device (**CGM**). In rare cases, a pancreas transplant may be necessary.

Go to this website to read, listen to or learn more about brittle type I diabetes: <https://rarediseases.info.nih.gov/diseases/11900/brittle-diabetes>

U.S. Dept of Health & Human Services 1-888-205-2311 Genetic and Rare Diseases Information Center.



Brittle diabetes is a term that is sometimes used to describe hard-to-control diabetes (also called labile diabetes). It is characterized by wide variations or "swings" in blood glucose (sugar) in which blood glucose levels can quickly move from too high (hyperglycemia) to too low (hypoglycemia). These episodes are hard to predict and can disrupt quality of life. They can require frequent or lengthy hospitalizations and can be fatal. People with type 1 diabetes are at greatest risk. While many people with type 1 diabetes experience hypoglycemia, only a small proportion of people with type 1 diabetes experience the frequent blood glucose swings described as "brittle."

**NOTE: Brian David Hill in addition to being a brittle type one diabetic from the age of 1 (almost 2) also has AUTISM & severe OCD. He was prescribed an insulin pump a few years ago but refused to wear it due to his hours long OCD shower routine. Brian is 28 years old now and has never done illegal drugs or alcohol. His mom has been his caregiver from birth to 28 years. She (Roberta Hill) can explain more to you about Brian and his particular type of brittle diabetes. When he was a child, his endocrinologist (diabetic specialist), Dr. Stephen A. South ((336) 621-8911) and neurologist, Dr. William H. Hickling ((336) 271-3331) described that his diabetes and autism worked against each other which could explain why he has been a brittle diabetic for 26 years plus another hospital noted that emotional stress caused his glucose to go up.**

#### **What causes Brittle diabetes?**

There can be many causes of Brittle diabetes, but here are some of the most frequent ones (**NIH**): Emotional stress, Hormonal imbalance, Poor personal care, Malabsorption (when your small intestine cannot absorb nutrients from foods), Autonomic neuropathy complications (such as delayed gastric emptying), Celiac disease, Hypothyroidism, Adrenal insufficiency, systemic insulin resistance, abnormal insulin absorption, Impaired glucose counter-regulation (the patient's body doesn't react predictably when blood glucose levels drop), etc.

#### **Who does it affect?**

Brittle diabetes primarily affects those with Type 1 diabetes and is most common in women in their 20s and 30s, but can occur in men as well and at any age. It affects 3/1000 insulin-dependent individuals (**NCBI**).



## LOW BLOOD SUGAR - HYPOGLYCEMIA

\*\*\*Along with the proper amount of INSULIN, a person with brittle diabetes also need a supply of **glucose tabs, juice**, sweetened drinks (coke) and sugar snacks due to Low blood sugar, also known as hypoglycemia, can be a dangerous condition.

### What are the symptoms of low blood sugar?

Symptoms of low blood sugar can occur suddenly. They include: blurry vision, rapid heartbeat, sudden mood changes, sudden nervousness, unexplained fatigue, pale skin, headache, hunger, shaking, dizziness, sweating, difficulty sleeping, skin tingling, trouble thinking clearly or concentrating, loss of consciousness, seizure, coma

**People with hypoglycemic unawareness** do not know their blood sugar is dropping. If you have this condition, your blood sugar can drop without you noticing it. Without immediate treatment, you can faint, experience a seizure, or even go into a coma.

TREATMENT for HYPOGLYCEMIC: Very low blood sugar is a medical emergency. If someone you know has diabetes and they're experiencing mild to moderate symptoms, have them eat or drink 15 grams of easily digestible carbohydrates, such as:

- half a cup of juice or regular soda, 1 tablespoon of honey, 4 or 5 saltine crackers
- 3 or 4 pieces of hard candy or glucose tablets, 1 tablespoon of sugar

If someone is having a severe reaction, such as unconsciousness, it's important to administer a medication called **glucagon** and contact emergency services immediately.

Roberta Hill (Brian's mother)

310 Forest St. Apt 1 Martinsville, VA 24112; Phone number 276-790-3505 email  
[rbhill67@yahoo.com](mailto:rbhill67@yahoo.com)

Stella & Ken Forinash (Brian's grandparents)

201 Greyson St., Martinsville, VA 24112 Phone # 276-632-2599 email  
[kenstella@comcast.net](mailto:kenstella@comcast.net)



# **EXHIBIT 5**

## **for**

**NEW MEDICAL EVIDENCE IN SUPPORT OF DEFENDANT'S  
“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON  
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT  
THE TIME OF CONVICTION; NEW EVIDENCE OF  
SPOILIATION OF EVIDENCE COMMITTED BY  
COMMONWEALTH OF VIRGINIA; REQUEST FOR  
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,  
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING  
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA  
FOOTAGE AND IT IS LIKELY DESTROYED AND  
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON  
DAY OF CHARGE, ALSO LIKELY DESTROYED”**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill  
CASE NO: CR19000009-00**

**Tuesday, February 8, 2022**



# **FAX**

**Date:** 10/23/18

**To:** CITY OF MARTINSVILLE PRISON FARM

**Attention To:**

**From:** MARTINSVILLE FP IM

**Phone Number:** 276-670-3300

**Comments:** Office note, medication list and labs faxed to Martinsville City Jail at 403-5101

\*\*\*\*\*

NOTE: The information contained in this facsimile message is privileged and confidential information and intended for the use of the addressee listed above. If you are neither the intended recipient or the employee or agent responsible for delivering this information to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action in reliance on the content of this faxed information is strictly prohibited.

The recipient of this patient information is prohibited from re-disclosure to any other party, and is required to destroy the information after the stated need has been fulfilled. If you have received this information in error, please immediately notify us by phone at the above number.





Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M

### Current Medications as of 10/23/2018 4:30 PM

#### Outpatient Medications

	Quantity	Refills	Start	End
<b>insulin aspart U-100 (NOVOLOG FLEXPEN U-100 INSULIN) 100 unit/mL Insulin Pen</b>	15 mL	1	9/18/2018	
Sig : INJECT 1 UNIT PER 7 GM OF CARB PLUS ADJUSTMENT BASED ON THE FORMULA BS-120/30				
Route: (none)				
Class: ePrescribe				
<b>BASAGLAR KWIKPEN U-100 INSULIN 100 unit/mL (3 mL) Insulin Pen</b>	15 mL	1	8/20/2018	
Sig : INJECT 28 UNITS UNDER THE SKIN EVERY NIGHT AT BEDTIME				
Route: (none)				
<b>glucose blood VI test strips (FREESTYLE INSULINX TEST STRIPS) Strip</b>	200 Strip	1	7/30/2018	
Sig : 1 Strip by external route four times daily				
Route: external				
Comment: Dx code E10.49				
Class: ePrescribe				
<b>Tacrolimus 0.03 % Ointment</b>	60 g	11	6/13/2018	
Sig : 1 Application by Topical route two times daily For eczema				
Route: Topical				
Class: ePrescribe				
<b>BD ULTRA-FINE MINI PEN NEEDLE 31 gauge x 3/16" Needle</b>	200 Each	3	5/17/2018	
Sig : USE FOUR TIMES DAILY AS DIRECTED				
Route: (none)				
<b>dicyclomine (BENTYL) 10 mg Capsule</b>				
Sig : take 10 mg by mouth three times daily				
Route: Oral				
Class: Historical Med				

#### Reason for Visit

Follow-up

dm

### Medical History

#### Medical as of 1/3/2018

##### Past Medical History

Diagnosis	Date	Comments	Source
Asperger syndrome [F84.5]	3/20/2013	—	Provider
Autism [F84.0]	3/20/2013	—	Provider
Confusion [R41.0]	—	—	Provider
Diabetes (HCC) [E11.9]	—	—	Provider
Diabetes mellitus [250 (ICD-9-CM)]	—	—	Provider
Dizziness [R42]	—	—	Provider
DM (diabetes mellitus) (HCC) [E11.9]	11/14/2012	—	Provider
Dry skin dermatitis [L85.3]	11/14/2012	—	Provider
GERD (gastroesophageal reflux disease) [K21.9]	11/14/2012	—	Provider
OCD (obsessive compulsive disorder) [F42.9]	3/20/2013	—	Provider
Seizure disorder (HCC) [G40.909]	3/20/2013	—	Provider
Snoring [R06.83]	—	—	Provider

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Page 2





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 1/3/2018

### Medical as of 1/3/2018 (continued)

Syncope [R55]

Provider

### Surgical History

#### Surgical as of 1/3/2018

##### Past Surgical History

Procedure	Laterality	Date	Comments	Source
HYPOSPADIUS REPAIR, 1ST STAGE [54304]	—	—	—	Provider
HX WISDOM TEETH EXTRACTION [SHX21]	—	03/2017	—	Provider
COLONOSCOPY, BIOPSY [45380]	N/A	6/15/2017	Procedure: COLONOSCOPY (ENDO) W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY	Provider
UPPER GI ENDOSCOPY, BIOPSY [43239]	N/A	6/15/2017	Procedure: EGD (ENDO) ESOPHAGOGASTRODUODENOSCOPY W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY	Provider

#### Problem List as of 1/3/2018

Reviewed: 1/3/2018 5:05 PM by Balakrishnan, Shyam E, MD

	ICD-10-CM	Priority	Class	Noted - Resolved
DM (diabetes mellitus), type 1, uncontrolled w/neurologic complication (HCC) (Chronic)	E10.49, E10.65			11/14/2012 - Present Entered by Faraj, Twana H, MD
GERD (gastroesophageal reflux disease)	K21.9			11/14/2012 - Present Entered by Faraj, Twana H, MD
Dry skin dermatitis	L85.3			11/14/2012 - Present Entered by Faraj, Twana H, MD
Seizure disorder (HCC)	G40.909			3/20/2013 - Present Entered by Faraj, Twana H, MD
Autism	F84.0			3/20/2013 - Present Entered by Faraj, Twana H, MD
Asperger syndrome (Chronic)	F84.5			3/20/2013 - Present Entered by Faraj, Twana H, MD
OCD (obsessive compulsive disorder)	F42.9			3/20/2013 - Present Entered by Faraj, Twana H, MD
Hypoglycemia	E16.2			9/2/2016 - Present Entered by Herodotou, Demetrios
Functional diarrhea	K59.1			12/28/2016 - Present Entered by Herodotou, Demetrios
Internal hemorrhoids	K64.8			6/15/2017 - Present Entered by





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 1/3/2018

# Problem List (continued) as of 1/3/2018

Reviewed 1/3/2018 5:05 PM by Balakrishnan, Shyam E, MD

	ICD-10-CM	Priority	Class	Noted - Resolved
Brittle diabetes (HCC)	E10.9			Mercure, Kevin B, MD 9/22/2017 - Present Entered by Herodotou, Demetrios

## ALL AMBULATORY NOTES

### Progress Notes

Author: Balakrishnan, Shyam E, MD  
Filed: 1/5/2018 5:11 PM  
Editor: Balakrishnan, Shyam E, MD (Physician)

Specialty: Family Medicine  
Encounter Date: 1/3/2018

Author Type: Physician  
Status: Signed

### Subjective:

Patient ID: Brian David Hill is an 27 y.o. male.

### Chief Complaint:

Chief Complaint  
Patient presents with

- Follow-up  
dm

### Follow-up

Pertinent negatives include no abdominal pain, chest pain, chills, coughing, fever, headaches, myalgias or rash.

Notes blood sugar are improving. Seen Dr Herodotou, endo.a1c is down.

Diarrhea, irritable bowel, improved. No red flags. Denies abdominal pain, blood, mucus in stool, fever, chills, nausea.

Been stable. He did come to know that aunt had celiac disease and would like to be screened for that

Asperger. Stable. No agitation, suicidal or homicidal ideation.

### Past Medical History:

#### Diagnosis

	Date
• Asperger syndrome	3/20/2013
• Autism	3/20/2013
• Confusion	
• Diabetes (HCC)	
• Diabetes mellitus	
• Dizziness	
• DM (diabetes mellitus) (HCC)	11/14/2012
• Dry skin dermatitis	11/14/2012
• GERD (gastroesophageal reflux disease)	11/14/2012
• OCD (obsessive compulsive disorder)	3/20/2013
• Seizure disorder (HCC)	3/20/2013
• Snoring	
• Syncope	





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 1/3/2018

## ALL AMBULATORY NOTES (continued)

## Progress Notes (continued)

## Past Surgical History:

## Procedure

## Laterality

## Date

## • COLONOSCOPY, BIOPSY

N/A

6/15/2017

Procedure: COLONOSCOPY (ENDO) W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD;

Location: CRCH ENDOSCOPY

## • HX WISDOM TEETH EXTRACTION

03/2017

## • HYPOSPADIUS REPAIR, 1ST STAGE

## • UPPER GI ENDOSCOPY, BIOPSY

N/A

6/15/2017

Procedure: EGD (ENDO) ESOPHAGOGASTRODUODENOSCOPY W/BIOPSY SINGLE OR MULTIPLE;

Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY

## Family History

## Problem

## Relation

## Age of Onset

## • Hypertension

Mother

## • Diabetes

Maternal Grandmother

## • Cancer

Neg Hx

## Current Outpatient Prescriptions

## Medication

## Sig

## Dispense

## Refill

## • glucose blood VI test strips (FREESTYLE INSULINX TEST STRIPS) Strip

1 Strip by external route four times daily

150 Strip

5

## • insulin aspart (NOVOLOG FLEXPEN) 100 unit/mL Insulin Pen

INJECT 1 UNIT PER 7 GRAMS OF CARB PLUS ADJUSTMENT

15 mL

3

## • BD INSULIN PEN NEEDLE UF MINI 31 gauge x 3/16" Needle

USE FOUR TIMES DAILY AS DIRECTED

200 Each

1

## • BASAGLAR KWIKPEN 100 unit/mL (3 mL) Insulin Pen

INJECT 28 UNITS UNDER THE SKIN EVERY NIGHT

15 mL

3

## • dicyclomine (BENTYL) 10 mg Capsule

take 10 mg by mouth three times daily

## • BD INSULIN SYRINGE ULTRA-FINE 0.5 mL 31 gauge x 5/16 Syringe

1 Each by Subcutaneous route four times daily

100 Syringe

3

## • Insulin Needles, Disposable, (BD INSULIN PEN NEEDLE UF SHORT) 31 gauge x 5/16" Needle

1 Units by Does not apply route four times daily

100 Each

6

## • Blood-Glucose Meter (ACCU-CHEK AVIVA PLUS METER) Misc

1 Device by Does not apply route three times daily

1 Each

0

## • Insulin Syringe-Needle U-100 (BD INSULIN SYRINGE ULTRA-FINE) 1 mL 30 x 1/2" Syringe

1 Each by Does not apply route four times daily

100 Each

6

No current facility-administered medications for this visit.

## Allergies

## Allergen

## Reactions

## • Anesthetic [Benzocaine-Aloe Vera]

Other - See Comments

Resident gets out of control

## • Hydrocodone-Acetaminophen

Other - See Comments

Uncontrolled hiccups

## • Vaccine Adjuvant Emulsion Combination No. 1

Resident stated he gets out of control

## • Zantac [Ranitidine Hcl]

Diarrhea





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 1/3/2018

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**ALL AMBULATORY NOTES (continued)**

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**Progress Notes (continued)**

---

**Social History****Social History**

- Marital status: Single
- Spouse name: N/A
- Number of children: 0
- Years of education: N/A

**Occupational History**

- unemployed, never worked.

**Social History Main Topics**

- Smoking status: Never Smoker
- Smokeless tobacco: Never Used
- Alcohol use: No
- Drug use: No
- Sexual activity: Not on file

**Other Topics**

- Not on file

Concern

**Social History Narrative**

- No narrative on file

**Review of Systems**

Constitutional: Negative for chills and fever.

Eyes: Negative for blurred vision.

Respiratory: Negative for cough and shortness of breath.

Cardiovascular: Negative for chest pain.

Gastrointestinal: Positive for constipation and diarrhea. Negative for abdominal pain, blood in stool and melena.

Genitourinary: Negative for dysuria.

Musculoskeletal: Negative for myalgias.

Skin: Negative for rash.

Neurological: Negative for dizziness, sensory change and headaches.

Psychiatric/Behavioral: Negative for depression.

**Objective:**

BP 114/62 | Pulse 94 | Temp 98.3 °F (36.8 °C) (Oral) | Ht 1.753 m (5' 9") | Wt 88.5 kg (195 lb 3.2 oz) | SpO2 98% | BMI 28.83 kg/m<sup>2</sup>

Body mass index is 28.83 kg/m<sup>2</sup>.

**Physical Exam**

Constitutional: No distress.

HENT:

Head: Normocephalic and atraumatic.

Neck: No thyromegaly present.

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MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 1/3/2018

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**ALL AMBULATORY NOTES (continued)****Progress Notes (continued)**

Cardiovascular: Normal rate, regular rhythm and normal heart sounds.  
Pulmonary/Chest: Effort normal and breath sounds normal. He has no wheezes. He has no rales.  
Abdominal: Soft. Bowel sounds are normal. There is no tenderness.  
Neurological: He is alert. He displays normal reflexes.  
Skin: Skin is warm and dry. He is not diaphoretic.  
Psychiatric: Mood and affect normal.

**Assessment:****Encounter Diagnosis**

	ICD-10-CM	
1. Diarrhea, unspecified type	R19.7	TISSUE TRANSGLUTAMINASE IGA AB (G463)
2. Uncontrolled type 1 diabetes with diabetic neuropathy (HCC)	E10.40	
	E10.65	
3. Asperger syndrome	F84.5	

**Plan:****1. DM (diabetes mellitus)**

Unstable. Improving. Last a1c 7.9. Less lows. Continue current regimen as recommended by endo  
Continue close monitoring and follow up with endo

**2. Irritable bowel. Stable. Continue current regimen**

If abd pain, fever, nausea, blood/mucus in stool- seek immediate medical attention.  
Will order TTGA

**3. Asperger. Stable. If any agitation, suicidal /homicidal ideation. Should seek immediate attention**

Shyam E Balakrishnan, MD

Electronically signed by Balakrishnan, Shyam E, MD at 1/5/2018 5:11 PM

**Encounter-Level Documents:**

There are no encounter-level documents.

**Vitals**





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 1/3/2018

## Vitals (continued)

BP 114/62	Pulse 94	Temp 98.3 °F (36.8 °C) (Oral)	Ht 1.753 m (5' 9")	Wt 88.5 kg (195 lb 3.2 oz)
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SpO2  
98%

## BMI Data

Body Mass Index: 28.83 kg/m<sup>2</sup>      Body Surface Area: 2.08 m<sup>2</sup>

## Encounter Medications as of 1/3/2018

## Outpatient Medications

	Quantity	Refills	Start	End
<b>glucose blood VI test strips (FREESTYLE INSULINX TEST STRIPS) Strip (Discontinued)</b> Sig: 1 Strip by external route four times daily Route: external Comment: Dx code E10.49 Reason for Discontinue: Reorder Class: ePrescribe	150 Strip	5	12/22/2017	7/30/2018
<b>insulin aspart (NOVOLOG FLEXPEN) 100 unit/mL Insulin Pen (Discontinued)</b> Sig: INJECT 1 UNIT PER 7 GRAMS OF CARB PLUS ADJUSTMENT Route: (none) Reason for Discontinue: Reorder Class: ePrescribe	15 mL	3	12/14/2017	4/2/2018
<b>BD INSULIN PEN NEEDLE UF MINI 31 gauge x 3/16" Needle (Discontinued)</b> Sig: USE FOUR TIMES DAILY AS DIRECTED Route: (none) Reason for Discontinue: Reorder Class: ePrescribe	200 Each	1	10/16/2017	5/16/2018
<b>BASAGLAR KWIKPEN 100 unit/mL (3 mL) Insulin Pen (Discontinued)</b> Sig: INJECT 28 UNITS UNDER THE SKIN EVERY NIGHT Route: (none) Reason for Discontinue: Reorder Class: Historical Med	15 mL	3	10/11/2017	2/6/2018
<b>dicyclomine (BENTYL) 10 mg Capsule</b> Sig: take 10 mg by mouth three times daily Route: Oral Class: Historical Med				
<b>BD INSULIN SYRINGE ULTRA-FINE 0.5 mL 31 gauge x 5/16 Syringe (Discontinued)</b> Sig: 1 Each by Subcutaneous route four times daily Route: Subcutaneous DAW: Yes Reason for Discontinue: Duplicate Class: ePrescribe	100 Syringe	3	6/6/2016	7/31/2018
<b>Insulin Needles, Disposable, (BD INSULIN PEN NEEDLE UF SHORT) 31 gauge x 5/16" Needle (Discontinued)</b> Sig: 1 Units by Does not apply route four times daily Route: Does not apply Reason for Discontinue: Duplicate Class: ePrescribe	100 Each	6	4/26/2016	7/31/2018
<b>Blood-Glucose Meter (ACCU-CHEK AVIVA PLUS METER) Misc (Discontinued)</b> Sig: 1 Device by Does not apply route three times daily Route: Does not apply Reason for Discontinue: Therapy Completed Class: ePrescribe	1 Each	0	12/19/2014	7/31/2018
<b>Insulin Syringe-Needle U-100 (BD INSULIN SYRINGE ULTRA-FINE) 1 mL 30 x 1/2" Syringe (Discontinued)</b> Sig: 1 Each by Does not apply route four times daily Route: Does not apply Reason for Discontinue: Duplicate Class: ePrescribe	100 Each	6	11/18/2014	7/31/2018

All Orders





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 1/3/2018

### All Orders (continued)

#### TISSUE TRANSGLUTAMINASE IGA AB (G463)

Electronically signed by: Balakrishnan, Shyam E, MD on 01/03/18 1641  
Ordering user: Balakrishnan, Shyam E, MD 01/03/18 1641  
Authorized by: Balakrishnan, Shyam E, MD  
Frequency: 01/03/18 -  
Diagnoses  
Diarrhea, unspecified type [R19.7]

Ordering provider: Balakrishnan, Shyam E, MD

Status: Completed

#### All Results

No results found

#### Allergies as of 1/3/2018

Reviewed on: 1/3/2018

	Noted	Reaction Type	Reactions
Anesthetic [benzocaine-aloe Vera] Resident gets out of control	11/14/2012		Other - See Comments
Hydrocodone-acetaminophen Uncontrolled hiccups	05/30/2017		Other - See Comments
Vaccine Adjuvant Emulsion Combination No. 1 Resident stated he gets out of control	11/14/2012		
Zantac [ranitidine Hcl]	04/11/2016		Diarrhea

#### Immunizations

Reviewed on 7/31/2018

No immunizations on file.

#### Diagnoses

	Comments
Diarrhea, unspecified type [2321254] - Primary	
Uncontrolled type 1 diabetes with diabetic neuropathy (HCC) [2195371]	
Asperger syndrome [1218692]	

#### Level of Service

Level of Service
OFFICE/OUTPT VISIT, EST, LEVL III [99213]





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

## Reason for Visit

Follow-up

foot

## Medical History

## Medical as of 3/5/2018

## Past Medical History

Diagnosis	Date	Comments	Source
Asperger syndrome [F84.5]	3/20/2013	—	Provider
Autism [F84.0]	3/20/2013	—	Provider
Confusion [R41.0]	—	—	Provider
Diabetes (HCC) [E11.9]	—	—	Provider
Diabetes mellitus [250 (ICD-9-CM)]	—	—	Provider
Dizziness [R42]	—	—	Provider
DM (diabetes mellitus) (HCC) [E11.9]	11/14/2012	—	Provider
Dry skin dermatitis [L85.3]	11/14/2012	—	Provider
GERD (gastroesophageal reflux disease) [K21.9]	11/14/2012	—	Provider
OCD (obsessive compulsive disorder) [F42.9]	3/20/2013	—	Provider
Seizure disorder (HCC) [G40.909]	3/20/2013	—	Provider
Snoring [R06.83]	—	—	Provider
Syncope [R55]	—	—	Provider

## Surgical History

## Surgical as of 3/5/2018

## Past Surgical History

Procedure	Laterality	Date	Comments	Source
HYPOSPADIUS REPAIR, 1ST STAGE [54304]	—	—	—	Provider
HX WISDOM TEETH EXTRACTION [SHX21]	—	03/2017	—	Provider
COLONOSCOPY, BIOPSY [45380]	N/A	6/15/2017	Procedure: COLONOSCOPY (ENDO) W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY	Provider
UPPER GI ENDOSCOPY, BIOPSY [43239]	N/A	6/15/2017	Procedure: EGD (ENDO) ESOPHAGOGASTRODUODENOSCOPY W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY	Provider

## Problem List as of 3/5/2018

Reviewed: 3/5/2018 4:41 PM by Balakrishnan, Shyam E, MD

	ICD-10-CM	Priority	Class	Noted - Resolved
DM (diabetes mellitus), type 1, uncontrolled w/neurologic complication (HCC) (Chronic)	E10.49, E10.65			11/14/2012 - Present





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

Problem List (continued) as of 3/5/2018

Reviewed 3/5/2018 4:41 PM by Balakrishnan, Shyam E, MD

	ICD-10-CM	Priority	Class	Noted - Resolved
GERD (gastroesophageal reflux disease)	K21.9			Entered by Faraj, Twana H, MD 11/14/2012 - Present
Dry skin dermatitis	L85.3			Entered by Faraj, Twana H, MD 11/14/2012 - Present
Seizure disorder (HCC)	G40.909			Entered by Faraj, Twana H, MD 3/20/2013 - Present
Autism	F84.0			Entered by Faraj, Twana H, MD 3/20/2013 - Present
Asperger syndrome (Chronic)	F84.5			Entered by Faraj, Twana H, MD 3/20/2013 - Present
OCD (obsessive compulsive disorder)	F42.9			Entered by Faraj, Twana H, MD 3/20/2013 - Present
Hypoglycemia	E16.2			Entered by Faraj, Twana H, MD 9/2/2016 - Present
Functional diarrhea	K59.1			Entered by Herodotou, Demetrios 12/28/2016 - Present
Internal hemorrhoids	K64.8			Entered by Herodotou, Demetrios 8/15/2017 - Present
Brittle diabetes (HCC)	E10.9			Entered by Mercure, Kevin B, MD 9/22/2017 - Present

ALL AMBULATORY NOTES

Progress Notes

Author: Balakrishnan, Shyam E, MD  
Filed: 3/10/2018 12:21 PM  
Editor: Balakrishnan, Shyam E, MD (Physician)

Specialty: Family Medicine  
Encounter Date: 3/5/2018

Author Type: Physician  
Status: Signed

Subjective:

Patient ID: Brian David Hill is an 27 y.o. male.

Chief Complaint:

Chief Complaint  
Patient presents with

- Follow-up  
foot

HPI

DM- notes been some improvement in sugar. Working on diet. Poor exercise. Hypoglycemia frequency has gone down

No ulcer, cuts in foot. Does check them regularly he notes.





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

### ALL AMBULATORY NOTES (continued)

#### Progress Notes (continued)

Chronic right wrist pain. No new trauma. Been bothering him intermittently. No numbness, tingling. No redness, warmth. No systemic symptoms

#### Past Medical History:

##### Diagnosis

	Date
• Asperger syndrome	3/20/2013
• Autism	3/20/2013
• Confusion	
• Diabetes (HCC)	
• Diabetes mellitus	
• Dizziness	
• DM (diabetes mellitus) (HCC)	11/14/2012
• Dry skin dermatitis	11/14/2012
• GERD (gastroesophageal reflux disease)	11/14/2012
• OCD (obsessive compulsive disorder)	3/20/2013
• Seizure disorder (HCC)	3/20/2013
• Snoring	
• Syncope	

#### Past Surgical History:

##### Procedure

	Laterality	Date
• COLONOSCOPY, BIOPSY	N/A	6/15/2017
<i>Procedure: COLONOSCOPY (ENDO) W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY</i>		
• HX WISDOM TEETH EXTRACTION		03/2017
• HYPOSPADIUS REPAIR, 1ST STAGE		
• UPPER GI ENDOSCOPY, BIOPSY	N/A	6/15/2017
<i>Procedure: EGD (ENDO) ESOPHAGOGASTRODUODENOSCOPY W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY</i>		

#### Family History

##### Problem

##### Relation

##### Age of Onset

• Hypertension	Mother	
• Diabetes	Maternal Grandmother	
• Cancer	Neg Hx	

#### Current Outpatient Prescriptions

Medication	Sig	Dispense	Refill
• BASAGLAR KWIKPEN 100 unit/mL (3 mL) Insulin Pen	INJECT 28 UNITS UNDERT THE SKIN EVERY NIGHT	15 mL	3
• glucose blood VI test strips (FREESTYLE INSULINX TEST STRIPS) Strip	1 Strip by external route four times daily	150 Strip	5
• insulin aspart (NOVOLOG FLEXPEN) 100 unit/mL Insulin Pen	INJECT 1 UNIT PER 7 GRAMS OF CARB PLUS ADJUSTMENT	15 mL	3
• BD INSULIN PEN NEEDLE UF MINI 31 gauge x 3/16" Needle	USE FOUR TIMES DAILY AS DIRECTED	200 Each	1
• dicyclomine (BENTYL) 10 mg Capsule	take 10 mg by mouth three times daily		





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

### ALL AMBULATORY NOTES (continued)

#### Progress Notes (continued)

• BD INSULIN SYRINGE ULTRA-FINE 0.5 mL 31 gauge x 5/16 Syringe	1 Each by Subcutaneous route four times daily	100 Syringe	3
• Insulin Needles, Disposable, (BD INSULIN PEN NEEDLE UF SHORT) 31 gauge x 5/16" Needle	1 Units by Does not apply route four times daily	100 Each	6
• Blood-Glucose Meter (ACCU-CHEK AVIVA PLUS METER) Misc	1 Device by Does not apply route three times daily	1 Each	0
• Insulin Syringe-Needle U-100 (BD INSULIN SYRINGE ULTRA-FINE) 1 mL 30 x 1/2" Syringe	1 Each by Does not apply route four times daily	100 Each	6

No current facility-administered medications for this visit.

#### Allergies

##### Allergen

- Anesthetic [Benzocaine-Aloe Vera]  
*Resident gets out of control*
- Hydrocodone-Acetaminophen  
*Uncontrolled hiccups*
- Vaccine Adjuvant Emulsion Combination No. 1  
*Resident stated he gets out of control*
- Zantac [Ranitidine Hcl]

##### Reactions

Other - See Comments

Other - See Comments

Diarrhea

#### Social History

##### Social History

- Marital status: Single
- Spouse name: N/A
- Number of children: 0
- Years of education: N/A

##### Occupational History

- unemployed, never worked.

##### Social History Main Topics

- Smoking status: Never Smoker
- Smokeless tobacco: Never Used
- Alcohol use: No
- Drug use: No
- Sexual activity: Not on file

##### Other Topics

- Not on file

Concern

##### Social History Narrative

- No narrative on file

#### Review of Systems





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

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ALL AMBULATORY NOTES (continued)

Progress Notes (continued)

Constitutional: Negative for chills and fever.  
Respiratory: Negative for cough and shortness of breath.  
Cardiovascular: Negative for chest pain and palpitations.  
Gastrointestinal: Negative for abdominal pain.  
Musculoskeletal: Positive for joint pain.  
Neurological: Negative for focal weakness and headaches.

**Objective:**

BP 114/53 (BP Location: Left arm, Patient Position: Sitting) | Pulse 89 | Temp 98.6 °F (37 °C) (Oral) | Ht 1.778 m (5' 10") | Wt 91.4 kg (201 lb 6.4 oz) | SpO2 96% | BMI 28.90 kg/m<sup>2</sup>  
Body mass index is 28.9 kg/m<sup>2</sup>.

Physical Exam

Constitutional: No distress.

HENT:

Head: Normocephalic and atraumatic.

Cardiovascular: Normal rate and regular rhythm.

Pulses:

Dorsalis pedis pulses are 1+ on the right side, and 1+ on the left side.

Posterior tibial pulses are 1+ on the right side, and 1+ on the left side.

Pulmonary/Chest: Effort normal and breath sounds normal.

Musculoskeletal:

Right foot: There is normal range of motion and no deformity.

Left foot: There is normal range of motion and no deformity.

**Right wrist**

No obvious swelling, deformity, redness, warmth

ROM present

No point tenderness

Normal grip strength, cap refill

**Tinel negative**

Feet:

Right Foot:

Protective Sensation: 7 sites tested. 5 sites sensed.

Skin Integrity: Positive for callus and dry skin. Negative for ulcer, blister, skin breakdown, erythema or warmth.

Left Foot:

Protective Sensation: 7 sites tested. 5 sites sensed.

Skin Integrity: Positive for callus and dry skin. Negative for ulcer, blister, skin breakdown, erythema or warmth.

Neurological: He is alert.

Skin: Skin is warm and dry. He is not diaphoretic.

Vitals reviewed.

**Assessment:**

Encounter Diagnosis

Printed by SKMOTLEY at 10/23/18 4:30 PM

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MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

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**ALL AMBULATORY NOTES (continued)****Progress Notes (continued)**

- 
- |    |  |                    |
|----|--|--------------------|
| 1. | Type 2 diabetes mellitus without complication, with long-term current use of insulin (HCC) | ICD-10-CM<br>E11.9 |
| 2. | Right wrist pain   | Z79.4<br>M25.531   |
- 

**Plan:****1. Type 2 diabetes mellitus without complication, with long-term current use of insulin (HCC)**

stable. Work on diet, exercise. Monitor blood sugar closely. If any lows < 70 alert us. Monitor A1c. Further adjustment based on a1c. Report readings.

Callus +. No ulcer. Slightly thickened nails.  
Dm control improved.  
Daily foot exam  
Will benefit from diabetic shoes

**2. Right wrist pain**

Unstable. no signs of infective, inflammatory joint. Discussed symptoms of same. If any seek immediate medical attention. Reviewed old xray was negative. Will repeat film.  
Go from there

Shyam E Balakrishnan, MD

Electronically signed by Balakrishnan, Shyam E, MD at 3/10/2018 12:21 PM

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**Encounter-Level Documents:**

There are no encounter-level documents.

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**Vitals**

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BP	Pulse	Temp	Ht	Wt
114/53 (BP Location: Left arm, Patient Position: Sitting)	89	98.6 °F (37 °C) (Oral)	1.778 m (5' 10")	91.4 kg (201 lb 6.4 oz)
SpO2 96%				

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**BMI Data**

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Body Mass Index: 28.90 kg/m <sup>2</sup>	Body Surface Area: 2.12 m <sup>2</sup>
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MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

# Encounter Medications as of 3/5/2018

## Outpatient Medications

	Quantity	Refills	Start	End
<b>BASAGLAR KWIKPEN 100 unit/mL (3 mL) Insulin Pen (Discontinued)</b> Sig : INJECT 28 UNITS UNDER THE SKIN EVERY NIGHT Route: (none) Reason for Discontinue: Reorder	15 mL	3	2/6/2018	8/18/2018
<b>glucose blood VI test strips (FREESTYLE INSULINX TEST STRIPS) Strip (Discontinued)</b> Sig : 1 Strip by external route four times daily Route: external Comment: Dx code E10.49 Reason for Discontinue: Reorder Class: ePrescribe	150 Strip	5	12/22/2017	7/30/2018
<b>insulin aspart (NOVOLOG FLEXPEN) 100 unit/mL Insulin Pen (Discontinued)</b> Sig : INJECT 1 UNIT PER 7 GRAMS OF CARB PLUS ADJUSTMENT Route: (none) Reason for Discontinue: Reorder Class: ePrescribe	15 mL	3	12/14/2017	4/2/2018
<b>BD INSULIN PEN NEEDLE UF MINI 31 gauge x 3/16" Needle (Discontinued)</b> Sig : USE FOUR TIMES DAILY AS DIRECTED Route: (none) Reason for Discontinue: Reorder Class: ePrescribe	200 Each	1	10/16/2017	5/16/2018
<b>dicyclomine (BENTYL) 10 mg Capsule</b> Sig : take 10 mg by mouth three times daily Route: Oral Class: Historical Med				
<b>BD INSULIN SYRINGE ULTRA-FINE 0.5 mL 31 gauge x 5/16 Syringe (Discontinued)</b> Sig : 1 Each by Subcutaneous route four times daily Route: Subcutaneous DAW: Yes Reason for Discontinue: Duplicate Class: ePrescribe	100 Syringe	3	6/6/2016	7/31/2018
<b>Insulin Needles, Disposable, (BD INSULIN PEN NEEDLE UF SHORT) 31 gauge x 5/16" Needle (Discontinued)</b> Sig : 1 Units by Does not apply route four times daily Route: Does not apply Reason for Discontinue: Duplicate Class: ePrescribe	100 Each	6	4/26/2016	7/31/2018
<b>Blood-Glucose Meter (ACCU-CHEK AVIVA PLUS METER) Misc (Discontinued)</b> Sig : 1 Device by Does not apply route three times daily Route: Does not apply Reason for Discontinue: Therapy Completed Class: ePrescribe	1 Each	0	12/19/2014	7/31/2018
<b>Insulin Syringe-Needle U-100 (BD INSULIN SYRINGE ULTRA-FINE) 1 mL 30 x 1/2" Syringe (Discontinued)</b> Sig : 1 Each by Does not apply route four times daily Route: Does not apply Reason for Discontinue: Duplicate Class: ePrescribe	100 Each	6	11/18/2014	7/31/2018

## All Orders

### XR WRIST COMPLETE RT 3+ VW

Electronically signed by: Balakrishnan, Shyam E, MD on 03/05/18 1639  
Ordering user: Balakrishnan, Shyam E, MD 03/05/18 1639  
Authorized by: Balakrishnan, Shyam E, MD  
Frequency: 03/05/18 -  
Diagnoses  
Right wrist pain [M25.531]

Ordering provider: Balakrishnan, Shyam E, MD

Status: Completed

#### Questionnaire

Question	Answer
Clinical Findings/Symptoms:	chronic wrist pain





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 3/5/2018

**All Results**

No results found

**Allergies as of 3/5/2018**

Reviewed on: 3/5/2018

	Noted	Reaction Type	Reactions
Anesthetic [benzocaine-aloe Vera] Resident gets out of control	11/14/2012		Other - See Comments
Hydrocodone-acetaminophen Uncontrolled hiccups	05/30/2017		Other - See Comments
Vaccine Adjuvant Emulsion Combination No. 1 Resident stated he gets out of control	11/14/2012		
Zantac [ranitidine Hcl]	04/11/2016		Diarrhea

**Immunizations**

Reviewed on 7/31/2018

No immunizations on file.

**Diagnoses**

	Comments
Type 2 diabetes mellitus without complication, with long-term current use of insulin (HCC) [2196119] - Primary Right wrist pain [1157647]	

**Level of Service**

Level of Service
OFFICE/OUTPT VISIT,EST,LEVL III [99213]





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

## Reason for Visit

Follow-up

dm

## Medical History

## Medical as of 7/31/2018

## Past Medical History

Diagnosis	Date	Comments	Source
Asperger syndrome [F84.5]	3/20/2013	—	Provider
Autism [F84.0]	3/20/2013	—	Provider
Confusion [R41.0]	—	—	Provider
Diabetes (HCC) [E11.9]	—	—	Provider
Diabetes mellitus [250 (ICD-9-CM)]	—	—	Provider
Dizziness [R42]	—	—	Provider
DM (diabetes mellitus) (HCC) [E11.9]	11/14/2012	—	Provider
Dry skin dermatitis [L85.3]	11/14/2012	—	Provider
GERD (gastroesophageal reflux disease) [K21.9]	11/14/2012	—	Provider
OCD (obsessive compulsive disorder) [F42.9]	3/20/2013	—	Provider
Seizure disorder (HCC) [G40.909]	3/20/2013	—	Provider
Snoring [R06.83]	—	—	Provider
Syncope [R55]	—	—	Provider

## Surgical History

## Surgical as of 7/31/2018

## Past Surgical History

Procedure	Laterality	Date	Comments	Source
HYPOSPADIUS REPAIR, 1ST STAGE [54304]	—	—	—	Provider
HX WISDOM TEETH EXTRACTION [SHX21]	—	03/2017	—	Provider
COLONOSCOPY, BIOPSY [45380]	N/A	6/15/2017	Procedure: COLONOSCOPY (ENDO) W/BIOPSY SINGLE OR MULTIPLE, Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY	Provider
UPPER GI ENDOSCOPY, BIOPSY [43239]	N/A	6/15/2017	Procedure: EGD (ENDO) ESOPHAGOGASTRODUODENOSCOPY W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY	Provider

## Problem List as of 7/31/2018

Reviewed: 7/31/2018 11:36 AM by Balakrishnan, Shyam E, MD

	ICD-10-CM	Priority	Class	Noted - Resolved
DM (diabetes mellitus), type 1, uncontrolled w/neurologic complication (HCC) (Chronic)	E10.49, E10.65			11/14/2012 - Present





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

## Problem List (continued) as of 7/31/2018

Reviewed: 7/31/2018 11:36 AM by Balakrishnan, Shyam E, MD

	ICD-10-CM	Priority	Class	Noted - Resolved
GERD (gastroesophageal reflux disease)	K21.9			Entered by Faraj, Twana H, MD 11/14/2012 - Present
Dry skin dermatitis	L85.3			Entered by Faraj, Twana H, MD 11/14/2012 - Present
Seizure disorder (HCC)	G40.909			Entered by Faraj, Twana H, MD 3/20/2013 - Present
Autism	F84.0			Entered by Faraj, Twana H, MD 3/20/2013 - Present
Asperger syndrome (Chronic)	F84.5			Entered by Faraj, Twana H, MD 3/20/2013 - Present
OCD (obsessive compulsive disorder)	F42.9			Entered by Faraj, Twana H, MD 3/20/2013 - Present
Hypoglycemia	E16.2			Entered by Herodotou, Demetrios 9/2/2016 - Present
Functional diarrhea	K59.1			Entered by Herodotou, Demetrios 12/28/2016 - Present
Internal hemorrhoids	K64.8			Entered by Mercure, Kevin B, MD 6/15/2017 - Present
Brittle diabetes (HCC)	E10.9			Entered by Herodotou, Demetrios 9/22/2017 - Present

## ALL AMBULATORY NOTES

## Progress Notes

Author: Balakrishnan, Shyam E, MD  
Filed: 8/8/2018 3:13 PM  
Editor: Balakrishnan, Shyam E, MD (Physician)

Specialty: Family Medicine  
Encounter Date: 7/31/2018

Author Type: Physician  
Status: Signed

## Subjective:

Patient ID: Brian David Hill is an 28 y.o. male.

## Chief Complaint:

Chief Complaint  
Patient presents with

- Follow-up  
dm

## Follow-up

Pertinent negatives include no abdominal pain, chest pain, chills, coughing, fever or headaches.

DM- notes sugar been fluctuating. Fewer lows. Working on diet. Poor exercise. Hypoglycemia frequency has gone down





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

## ALL AMBULATORY NOTES (continued)

## Progress Notes (continued)

asperger - symptoms stable. No agitation. No si/hi

Irritable bowel. Intermittent diarrhea. No red flag

## Past Medical History:

## Diagnosis

	Date
• Asperger syndrome	3/20/2013
• Autism	3/20/2013
• Confusion	
• Diabetes (HCC)	
• Diabetes mellitus	
• Dizziness	
• DM (diabetes mellitus) (HCC)	11/14/2012
• Dry skin dermatitis	11/14/2012
• GERD (gastroesophageal reflux disease)	11/14/2012
• OCD (obsessive compulsive disorder)	3/20/2013
• Seizure disorder (HCC)	3/20/2013
• Snoring	
• Syncope	

## Past Surgical History:

## Procedure

## Laterality

## Date

• COLONOSCOPY,BIOPSY	N/A	6/15/2017
Procedure: COLONOSCOPY (ENDO) W/BIOPSY SINGLE OR MULTIPLE; Surgeon: Mercure, Kevin B, MD;		
Location: CRCH ENDOSCOPY		
• HX WISDOM TEETH EXTRACTION		03/2017
• HYPOSPADIUS REPAIR, 1ST STAGE		
• UPPER GI ENDOSCOPY,BIOPSY	N/A	6/15/2017
Procedure: EGD (ENDO) ESOPHAGOGASTRODUODENOSCOPY W/BIOPSY SINGLE OR MULTIPLE;		
Surgeon: Mercure, Kevin B, MD; Location: CRCH ENDOSCOPY		

## Family History

## Problem

## Relation

## Age of Onset

• Hypertension	Mother	
• Diabetes	Maternal Grandmother	
• Cancer	Neg Hx	

## Current Outpatient Prescriptions

## Medication

## Sig

## Dispense

## Refill

• glucose blood VI test strips (FREESTYLE INSULINX TEST STRIPS) Strip	1 Strip by external route four times daily	200 Strip	1
• NOVOLOG FLEXPEN U-100 INSULIN 100 unit/mL Insulin Pen	INJECT 1 UNIT PER 7 GM OF CARB PLUS ADJUSTMENT BASED ON THE FORMULA BS-120/30	15 mL	1
• Tacrolimus 0.03 % Ointment	1 Application by Topical route two times daily For eczema	60 g	11





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STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

### ALL AMBULATORY NOTES (continued)

#### Progress Notes (continued)

• BD ULTRA-FINE MINI PEN NEEDLE 31 gauge x 3/16" Needle	USE FOUR TIMES DAILY AS DIRECTED	200 Each	3
• BASAGLAR KWIKPEN 100 unit/mL (3 mL) Insulin Pen	INJECT 28 UNITS UNDERT THE SKIN EVERY NIGHT	15 mL	3
• dicyclomine (BENTYL) 10 mg Capsule	take 10 mg by mouth three times daily		

No current facility-administered medications for this visit.

#### Allergies

##### Allergen

- Anesthetic [Benzocaine-Aloe Vera]  
*Resident gets out of control*
- Hydrocodone-Acetaminophen  
*Uncontrolled hiccups*
- Vaccine Adjuvant Emulsion Combination No. 1  
*Resident stated he gets out of control*
- Zantac [Ranitidine Hcl]

##### Reactions

Other - See Comments

Other - See Comments

Diarrhea

#### Social History

##### Social History

- Marital status: Single
- Spouse name: N/A
- Number of children: 0
- Years of education: N/A

#### Occupational History

- unemployed, never worked.

#### Social History Main Topics

- Smoking status: Never Smoker
- Smokeless tobacco: Never Used
- Alcohol use: No
- Drug use: No
- Sexual activity: Not on file

#### Other Topics

- Not on file

Concern

#### Social History Narrative

- No narrative on file

#### Review of Systems

Constitutional: Negative for chills and fever.

Respiratory: Negative for cough and shortness of breath.

Cardiovascular: Negative for chest pain and palpitations.

Gastrointestinal: Positive for diarrhea. Negative for abdominal pain, blood in stool and melena.

Musculoskeletal: Positive for joint pain.

Neurological: Negative for dizziness, focal weakness and headaches.

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MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

# ALL AMBULATORY NOTES (continued)

## Progress Notes (continued)

### Objective:

BP 109/57 | Pulse 78 | Temp 98.2 °F (36.8 °C) (Oral) | Ht 1.778 m (5' 10") | Wt 88.9 kg (196 lb) | SpO2 96%  
| BMI 28.12 kg/m<sup>2</sup>

Body mass index is 28.12 kg/m<sup>2</sup>.

### Physical Exam

Constitutional: No distress.

### HENT:

Head: Normocephalic and atraumatic.

Cardiovascular: Normal rate and regular rhythm.

Pulmonary/Chest: Effort normal and breath sounds normal.

Abdominal: Soft. Bowel sounds are normal. He exhibits no distension. There is no tenderness.

Neurological: He is alert.

Skin: Skin is warm and dry. He is not diaphoretic.

Vitals reviewed.

### Assessment:

#### Encounter Diagnosis

	ICD-10-CM	
1. Uncontrolled type 1 diabetes with diabetic neuropathy (HCC)	E10.40	CBC WITH AUTO DIFF (CBCD)
	E10.65	COMPREHENSIVE METABOLIC PANEL (COMP) HEMOGLOBIN A1C (HA1C) AMB REFERRAL TO ENDOCRINOLOGY
2. Asperger syndrome	F84.5	
3. Irritable bowel syndrome with diarrhea	K58.0	

### Plan:

#### 1. Type 1 diabetes mellitus without complication, with long-term current use of insulin (HCC)

unstable. Work on diet, exercise. Monitor blood sugar closely. If any lows < 70 alert us. Aware of rx of low sugar

Given brittle dm need endo follow up. Will place new referral

#### 2. asperger

#### Stable.

If any new symptoms, agitation etc or si/hi- seek immediate medical attention





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1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

### ALL AMBULATORY NOTES (continued)

#### Progress Notes (continued)

3. IBS- Discussed red flags. If any abd pain, blood, mucus in stool, severe symptoms seek immediate medical attention.

Stressed close follow up with gi  
Shyam E Balakrishnan, MD

Electronically signed by Balakrishnan, Shyam E, MD at 8/8/2018 3:13 PM

#### Progress Notes

Author: Forlines, Victoria L, PHLEB  
Filed: 8/8/2018 3:13 PM  
Editor: Forlines, Victoria L, PHLEB (Phlebotomist)

Specialty: ,  
Encounter Date: 7/31/2018

Author Type: Phlebotomist  
Status: Signed

Labs  
HW  
LAC

Electronically signed by Forlines, Victoria L, PHLEB at 8/8/2018 3:13 PM

#### Encounter-Level Documents:

There are no encounter-level documents.

#### Vitals

BP	Pulse	Temp	Ht	Wt
109/57	78	98.2 °F (36.8 °C) (Oral)	1.778 m (5' 10")	88.9 kg (196 lb)
SpO2 96%				

#### BMI Data

Body Mass Index: 28.12 kg/m<sup>2</sup>      Body Surface Area: 2.1 m<sup>2</sup>

#### Encounter Medications as of 7/31/2018

##### Outpatient Medications

	Quantity	Refills	Start	End
glucose blood VI test strips (FREESTYLE INSULINX TEST STRIPS) Strip Sig : 1 Strip by external route four times daily Route: external Comment: Dx code E10.49 Class: ePrescribe	200 Strip	1	7/30/2018	
NOVOLOG FLEXPEN U-100 INSULIN 100 unit/mL Insulin Pen (Discontinued) Sig : INJECT 1 UNIT PER 7 GM OF CARB PLUS ADJUSTMENT BASED ON THE FORMULA BS-120/30 Route: (none) Reason for Discontinue: Reorder	15 mL	1	7/25/2018	9/18/2018
Tacrolimus 0.03 % Ointment Sig : 1 Application by Topical route two times daily For eczema Route: Topical Class: ePrescribe	60 g	11	6/13/2018	
BD ULTRA-FINE MINI PEN NEEDLE 31 gauge x 3/16" Needle Sig : USE FOUR TIMES DAILY AS DIRECTED Route: (none)	200 Each	3	5/17/2018	
BASAGLAR KWIKPEN 100 unit/mL (3 mL) Insulin Pen (Discontinued)	15 mL	3	2/6/2018	8/18/2018





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STREET

Hill, Brian David  
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Encounter date: 7/31/2018

#### Encounter Medications as of 7/31/2018 (continued)

Sig: INJECT 28 UNITS UNDER THE SKIN EVERY NIGHT Route: (none) Reason for Discontinue: Reorder				
<b>dicyclomine (BENTYL) 10 mg Capsule</b> Sig: take 10 mg by mouth three times daily Route: Oral Class: Historical Med				
<b>BD INSULIN SYRINGE ULTRA-FINE 0.5 mL 31 gauge x 5/16 Syringe</b> (Discontinued) Sig: 1 Each by Subcutaneous route four times daily Route: Subcutaneous DAW: Yes Reason for Discontinue: Duplicate Class: ePrescribe	100 Syringe	3	6/6/2016	7/31/2018
<b>Insulin Needles, Disposable, (BD INSULIN PEN NEEDLE UF SHORT)</b> 31 gauge x 5/16" Needle (Discontinued) Sig: 1 Units by Does not apply route four times daily Route: Does not apply Reason for Discontinue: Duplicate Class: ePrescribe	100 Each	6	4/26/2016	7/31/2018
<b>Blood-Glucose Meter (ACCU-CHEK AVIVA PLUS METER) Misc</b> (Discontinued) Sig: 1 Device by Does not apply route three times daily Route: Does not apply Reason for Discontinue: Therapy Completed Class: ePrescribe	1 Each	0	12/19/2014	7/31/2018
<b>Insulin Syringe-Needle U-100 (BD INSULIN SYRINGE ULTRA-FINE) 1</b> mL 30 x 1/2" Syringe (Discontinued) Sig: 1 Each by Does not apply route four times daily Route: Does not apply Reason for Discontinue: Duplicate Class: ePrescribe	100 Each	6	11/18/2014	7/31/2018

#### All Orders

#### AMB REFERRAL TO ENDOCRINOLOGY

Electronically signed by: **Balakrishnan, Shyam E, MD** on 07/31/18 1133  
Ordering user: Balakrishnan, Shyam E, MD 07/31/18 1133  
Authorized by: Balakrishnan, Shyam E, MD  
Frequency: 07/31/18 -  
Diagnoses  
Uncontrolled type 1 diabetes with diabetic neuropathy (HCC) [E10.40, E10.65]

Status: Active

#### Questionnaire

Question	Answer
CLINICAL REASON(S) FOR REFERRAL	brittle type 1 dm

#### CBC WITH AUTO DIFF (CBCD)

Electronically signed by: **Balakrishnan, Shyam E, MD** on 07/31/18 1110  
Ordering user: Balakrishnan, Shyam E, MD 07/31/18 1110  
Authorized by: Balakrishnan, Shyam E, MD  
Frequency: 07/31/18 -  
Diagnoses  
Uncontrolled type 1 diabetes with diabetic neuropathy (HCC) [E10.40, E10.65]

Status: Completed

#### COMPREHENSIVE METABOLIC PANEL (COMP)

Electronically signed by: **Balakrishnan, Shyam E, MD** on 07/31/18 1110  
Ordering user: Balakrishnan, Shyam E, MD 07/31/18 1110  
Authorized by: Balakrishnan, Shyam E, MD  
Frequency: 07/31/18 -  
Diagnoses  
Uncontrolled type 1 diabetes with diabetic neuropathy (HCC) [E10.40, E10.65]

Status: Completed

#### HEMOGLOBIN A1C (HA1C)

Electronically signed by: **Balakrishnan, Shyam E, MD** on 07/31/18 1110  
Ordering user: Balakrishnan, Shyam E, MD 07/31/18 1110  
Authorized by: Balakrishnan, Shyam E, MD  
Frequency: 07/31/18 -  
Diagnoses  
Uncontrolled type 1 diabetes with diabetic neuropathy (HCC) [E10.40, E10.65]

Status: Completed





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

## All Orders (continued)

## HEMOGLOBIN A1C(HA1C) (continued)

## All Results

## COMPREHENSIVE METABOLIC PANEL(COMP) [368602038] (Abnormal)

Resulted: 07/31/18 1210, Result status: Final result

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

## Components

Component	Value	Reference Range	Flag	Lab
Sodium	137	135 - 145 mmol/L	—	gen martinsvi
Potassium	4.4	3.5 - 5.3 mmol/L	—	gen martinsvi
Chloride	101	98 - 110 mmol/L	—	gen martinsvi
CO2	29	21 - 31 mmol/L	—	gen martinsvi
Urea Nitrogen	10	7.0 - 22.0 mg/dL	—	gen martinsvi
Creatinine	1.02	0.50 - 1.40 mg/dL	—	gen martinsvi
Glom Filtr Rate, Estimated	87	>60	—	gen martinsvi
Glucose, Bld	237	70 - 99 mg/dL	H	gen martinsvi
Total Protein	7.1	6.0 - 8.3 g/dL	—	gen martinsvi
Albumin	4.0	3.2 - 5.5 g/dL	—	gen martinsvi
Calcium	9.2	8.5 - 10.7 mg/dL	—	gen martinsvi
Total Bilirubin	0.5	0.0 - 1.3 mg/dL	—	gen martinsvi
Alkaline Phosphatase, Serum	77	42 - 121 IU/L	—	gen martinsvi
AST	18	15 - 45 IU/L	—	gen martinsvi
ALT	18	10 - 60 IU/L	—	gen martinsvi
Globulin	3.1	g/dL	—	gen martinsvi
A/G Ratio	1.3	—	—	gen martinsvi
Anion Gap	11.4	mmol/L	—	gen martinsvi
Osmolality	280.56	mmol/L	—	gen martinsvi
Bun/Creatinine	9.80	RATIO	—	gen martinsvi

## CBC WITH AUTO DIFF (CBCD) [368602037] (Abnormal)

Resulted: 07/31/18 1210, Result status: Final result

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

## Components

Component	Value	Reference Range	Flag	Lab
WBC	8.0	4.8 - 10.8 x10	—	gen martinsvi
RBC	5.53	4.50 - 5.30 x10	H	gen martinsvi
Hemoglobin	16.3	13.0 - 16.0 G/DL	H	gen martinsvi
Hematocrit	49.1	37.0 - 49.0 %	H	gen martinsvi
MCV	89	78 - 98 fL	—	gen martinsvi
MCH	29.5	27.0 - 34.6 pg	—	gen martinsvi
MCHC	33.2	33.0 - 37.0 g/dL	—	gen martinsvi
RDW	12.3	11.5 - 14.5 %	—	gen martinsvi
Platelet Count	235	130 - 400 x10	—	gen martinsvi
MPV	8.9	7.4 - 10.4 fL	—	gen martinsvi
Seg	65.5	42.0 - 75.0 %	—	gen martinsvi
Lymph	20.9	21.0 - 51.0 %	L	gen martinsvi
Monos	11.4	2.0 - 13.0 %	—	gen martinsvi
Eos	1.6	0.0 - 10.0 %	—	gen martinsvi
Baso	0.6	0.0 - 2.0 %	—	gen martinsvi
Absolute Neut	5.30	1.80 - 7.70 x10	—	gen martinsvi
Absolute Lymph	1.70	1.00 - 5.00 x10	—	gen martinsvi
Absolute Mono	0.90	0.00 - 0.80 x10	H	gen martinsvi
Absolute Eos	0.10	0.00 - 0.70 X 10	—	gen martinsvi
Absolute Basophils	0.00	0.00 - 0.20 X10	—	gen martinsvi

## HEMOGLOBIN A1C(HA1C) [368602039] (Abnormal)

Resulted: 07/31/18 1149, Result status: Final result

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

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MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

## All Results (continued)

HEMOGLOBIN A1C(HA1C) [368602039] (Abnormal) (continued)

Resulted: 07/31/18 1149, Result status: Final result

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

## Components

Component	Value	Reference Range	Flag	Lab
Hemoglobin A1C	9.1	3.8 - 5.9 %	H	gen martinsvi

HEMOGLOBIN A1C(HA1C) [368602039]

Resulted: 07/31/18 1122, Result status: In process

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

COMPREHENSIVE METABOLIC PANEL(COMP) [368602038]

Resulted: 07/31/18 1122, Result status: In process

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

CBC WITH AUTO DIFF (CBCD) [368602037]

Resulted: 07/31/18 1122, Result status: In process

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

## Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
212 - gen martinsvi	GENESYS MARTINSVILLE	Unknown	1107 A Brookdale St Martinsville VA 24112	09/14/10 1917 - Present

## Allergies as of 7/31/2018

Reviewed on: 7/31/2018

	Noted	Reaction Type	Reactions
Anesthetic [benzocaine-aloe Vera] Resident gets out of control	11/14/2012		Other - See Comments
Hydrocodone-acetaminophen Uncontrolled hiccups	05/30/2017		Other - See Comments
Vaccine Adjuvant Emulsion Combination No. 1 Resident stated he gets out of control	11/14/2012		
Zantac [ranitidine Hcl]	04/11/2016		Diarrhea

## Immunizations

Reviewed on 7/31/2018

No immunizations on file.

## Diagnoses

	Comments
Uncontrolled type 1 diabetes with diabetic neuropathy (HCC) [2195371] - Primary	
Asperger syndrome [1218692]	
Irritable bowel syndrome with diarrhea [1136652]	

## Level of Service

Level of Service
OFFICE/OUTPT VISIT,EST,LEVL IV [99214]





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

## Results

CBC WITH AUTO DIFF (CBCD) (Order 368602037)

## CBC WITH AUTO DIFF (CBCD) [368602037] (Abnormal)

Resulted: 07/31/18 1210, Result status: Final result

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

## Components

Component	Value	Reference Range	Flag	Lab
WBC	8.0	4.8 - 10.8 x10	—	gen martinsvi
RBC	5.53	4.50 - 5.30 x10	H	gen martinsvi
Hemoglobin	16.3	13.0 - 16.0 G/DL	H	gen martinsvi
Hematocrit	49.1	37.0 - 49.0 %	H	gen martinsvi
MCV	89	78 - 98 fL	—	gen martinsvi
MCH	29.5	27.0 - 34.6 pg	—	gen martinsvi
MCHC	33.2	33.0 - 37.0 g/dL	—	gen martinsvi
RDW	12.3	11.5 - 14.5 %	—	gen martinsvi
Platelet Count	235	130 - 400 x10	—	gen martinsvi
MPV	8.9	7.4 - 10.4 fL	—	gen martinsvi
Seg	65.5	42.0 - 75.0 %	—	gen martinsvi
Lymph	20.9	21.0 - 51.0 %	L	gen martinsvi
Monos	11.4	2.0 - 13.0 %	—	gen martinsvi
Eos	1.6	0.0 - 10.0 %	—	gen martinsvi
Baso	0.6	0.0 - 2.0 %	—	gen martinsvi
Absolute Neut	5.30	1.80 - 7.70 x10	—	gen martinsvi
Absolute Lymph	1.70	1.00 - 5.00 x10	—	gen martinsvi
Absolute Mono	0.90	0.00 - 0.80 x10	H	gen martinsvi
Absolute Eos	0.10	0.00 - 0.70 X 10	—	gen martinsvi
Absolute Basophils	0.00	0.00 - 0.20 X10	—	gen martinsvi

## Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
212 - gen martinsvi	GENESYS MARTINSVILLE	Unknown	1107 A Brookdale St Martinsville VA 24112	09/14/10 1917 - Present

## Reviewed by List

Balakrishnan, Shyam E, MD on 8/1/2018 10:31

## Results

COMPREHENSIVE METABOLIC PANEL(COMP)  
(Order 368602038)COMPREHENSIVE METABOLIC PANEL(COMP) [368602038]  
(Abnormal)

Resulted: 07/31/18 1210, Result status: Final result

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

## Components

Component	Value	Reference Range	Flag	Lab
Sodium	137	135 - 145 mmol/L	—	gen martinsvi
Potassium	4.4	3.5 - 5.3 mmol/L	—	gen martinsvi
Chloride	101	98 - 110 mmol/L	—	gen martinsvi
CO2	29	21 - 31 mmol/L	—	gen martinsvi
Urea Nitrogen	10	7.0 - 22.0 mg/dL	—	gen martinsvi
Creatinine	1.02	0.50 - 1.40 mg/dL	—	gen martinsvi
Glom Filtr Rate, Estimated	87	>60	—	gen martinsvi
Glucose, Bld	237	70 - 99 mg/dL	H	gen martinsvi





MARTINSVILLE FP IM  
1107A BROOKDALE  
STREET

Hill, Brian David  
MRN: 7244793, DOB: 5/26/1990, Sex: M  
Encounter date: 7/31/2018

Total Protein	7.1	6.0 - 8.3 g/dL	—	gen martinsvi
Albumin	4.0	3.2 - 5.5 g/dL	—	gen martinsvi
Calcium	9.2	8.5 - 10.7 mg/dL	—	gen martinsvi
Total Bilirubin	0.5	0.0 - 1.3 mg/dL	—	gen martinsvi
Alkaline Phosphatase, Serum	77	42 - 121 IU/L	—	gen martinsvi
AST	18	15 - 45 IU/L	—	gen martinsvi
ALT	18	10 - 60 IU/L	—	gen martinsvi
Globulin	3.1	g/dL	—	gen martinsvi
A/G Ratio	1.3	—	—	gen martinsvi
Anion Gap	11.4	mmol/L	—	gen martinsvi
Osmolality	280.56	mmol/L	—	gen martinsvi
Bun/Creatinine	9.80	RATIO	—	gen martinsvi

## Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
212 - gen martinsvi	GENESYS MARTINSVILLE	Unknown	1107 A Brookdale St Martinsville VA 24112	09/14/10 1917 - Present

## Reviewed by List

Balakrishnan, Shyam E, MD on 8/1/2018 10:31

## Results

## HEMOGLOBIN A1C(HA1C) (Order 368602039)

## HEMOGLOBIN A1C(HA1C) [368602039] (Abnormal)

Resulted: 07/31/18 1149, Result status: Final result

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

## Specimen Information

Type	Source	Collected On
Blood, Venous	—	07/31/18 1122

## Components

Component	Value	Reference Range	Flag	Lab
Hemoglobin A1C	9.1	3.8 - 5.9 %	H	gen martinsvi

## Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
212 - gen martinsvi	GENESYS MARTINSVILLE	Unknown	1107 A Brookdale St Martinsville VA 24112	09/14/10 1917 - Present

## Reviewed by List

Balakrishnan, Shyam E, MD on 8/1/2018 10:31  
Balakrishnan, Shyam E, MD on 7/31/2018 11:50

END OF REPORT

